

TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, FEBRUARY 9, 2016 – 6:15 P.M.
KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301
AGENDA

REGULAR MEETING – 6:15 P.M.

Interview the following Candidate for Committees:

Lisa Emmons

Downtown Committee

Vacancies: (1) Regular 2017
(1) Alternate 2017

REGULAR MEETING – 6:30 P.M.

1. Call to Order & The Pledge of Allegiance

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

2. Minutes (2-3 minutes)

- a. January 26, 2016 Regular Meeting

Budget Meetings - minutes will be available at the conclusion of the budget sessions

- b. February 2, 2016 Special Meeting (Budget Meeting 6:00 pm)
c. February 4, 2016 Special Meeting (Budget Meeting 6:00 pm)
d. February 6, 2016 Special Meeting (Budget Meeting 8:30 am)
e. February 11, 2016 Special Meeting (Budget Meeting 6:00 pm)
f. *Tentative/if needed meeting:* February 13, 2016 Special Meeting (Budget Meeting 8:30 am)
g. *Tentative/if needed meeting:* February 16, 2016 Special Meeting (Budget Meeting 6:00 pm)

3. Items to be Signed (3-5 minutes)

- a. Items as Presented

4. Public Hearing(s) - none

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5 minutes)

- a. (Public Services) Recreation Department – Matthew Duplisea, Program Coordinator/Teen Center Supervisor, has submitted his resignation effective February 19. Matt has accepted a position with Biddeford Recreation as the Youth and Family Program Coordinator. Matt has been an intricate part of the expansion of the Teen Center activities and his input has been an important part of the growth of the programs offered by the department in his nine years of employment. We wish him the very best in his new position.

7. Time Sensitive Business

- a. Discuss 2016 EMS Ambulance Rates (5 minutes) – Each year, the Town reviews the rates charged for ambulance services. For 2016, the Fire Chief recommends maintaining the same rates as in 2015. With the fuel costs low and our current rates in the “middle range” of other communities, we feel the 2016 rates do not need to be adjusted.

The current rate schedule is attached. Chief Rowe will be present to answer any questions the Board may have.

MOTION: To approve the recommended EMS Ambulance Rates for 2016.

- b. Discuss a Request by the Energy Efficiency Advisory Committee for an Ordinance Regulating Single-Use Carryout Plastic Shopping Bags (15-20 minutes) – The Energy Efficiency Advisory Committee would like to present a possible ordinance on regulating single-use carryout plastic shopping bags. The draft Ordinance prepared by the Committee is attached for your review. Please note, it has not yet been reviewed by our attorney.

Members of the Committee will be in attendance to answer any questions the Board may have. Bella Rossborough, a 5th grade student at Sea Road School, will also be in attendance. As you may recall, Bella attended a meeting of the Board when this issue came up last spring. She has been attending the Energy Efficiency Committee’s meetings regularly and continues to be very interested in this issue (see attached newspaper article “Pupils seek plastic bag ban”). At the Sea Road School’s December Fair, Bella’s class took a vote on “Would you support a fee for the use of single-use plastic bags?” The results were:

- 166 adults voted: 143 in favor and 23 against
- 13 children voted: 11 in favor and 2 against

In November, York voters approved the first-in-the state ban on single-use plastic bags.

In July of 2014, the Committee came before the Board requesting a non-binding question be placed on the November ballot to determine if the voters were interested in supporting a proclamation charging 5¢ for single-use shopping bags. At that time, the Board did not support their request and this was not forwarded to a Town Meeting vote.

How would the Board like to proceed?

MOTION:

8. Old Business (2nd Reading)

- a. Discuss the Recreation Director Position (10-15 minutes) – Recreation Director, Brian Costello, will be retiring on April 22nd after 30 years of service with the Town. The discussion at the last meeting was to see what the interest level was with Arundel and Kennebunkport. After meeting with the two Town Managers, they felt the best solution going forward was to begin with “small steps” by working together on a few joint programs in the coming years.

My recommendation is to move forward with filling the Recreation Director position.

MOTION: To advertise the Recreation Director position.

- b. Discuss a Consent Agreement for 2 Marsh View Avenue (10-15 minutes) – The Board heard the presentation on this item at their meetings on December 8 and 22. This consent agreement is between the Town and the owners of 2 Marsh View Avenue, John and Jennifer McDonald regarding a violation in the fall of 2014 involving the unauthorized removal of trees in the Shoreland/Resource Protection districts as well as the removal of one tree on the neighboring property.

At the December 22nd meeting, the Board asked the Code Enforcement Officer, Paul Demers, for a revised plan, which is attached. Please note that the plan now only reflects the actual restoration that would be acceptable to address the violation. The plan is the result of numerous conversations with DEP-endorsed arborists that are familiar with the violation process in other communities. The plant types and sizes have been reviewed to provide sufficient buffer restoration and are spaced to provide optimum opportunity for them to survive and do well in the long term.

A copy of the consent agreement that was included in the last packet is also attached.

This item was moved to a February discussion at the property owner's request.

MOTION: To require the updated plan be implemented and a fine of \$_____ including attorney fees of \$_____ be assessed, and authorize the Code Enforcement Officer to sign the consent agreement.

- c. Discuss Various Special Events and Timing Thereof (10 minutes) – Kennebunk is host to approximately 40+ special events over the course of one year. Most events are either non-profit organizations or Town events; however, we are beginning to receive new requests from for-profit individuals/groups. A summary of all events held in 2015 is attached, providing insight into the potential conflicts by area and dates. Also attached is a listing of past road closures.

At the last meeting, the Board reviewed a draft policy to regulate these events. The summary addresses:

- Areas covered in Town
- Priority ranking of which application is first
- Restrictions for road events and number of events on any given weekend
- Number of events allowed within a given area (Lower Village, Downtown, West Kennebunk)
- Events cannot be reserved earlier than six months in advance
- All events must comply with the Special Events Application
- A nominal fee of \$25 would be charged for processing
- The number of participants that would trigger an application is now indicated
- Any road closure would be posted on the Town's website.

The draft policy has been revised further to include the items discussed at the last meeting.

MOTION:

- d. Discuss the Portland Symphony Orchestra (PSO) Event for July 28, 2016 (10-15 minutes) – As discussed at the January 12th meeting, a group of local residents would like to bring back the PSO this summer (Thursday, July 28th) at the Waterhouse Center. We have met with the co-chairs of the Festival Committee and they have given their committee's endorsement. The same format for the Main Street road closure used last year would be applied. There were no accidents, delays or reported issues during that event. Those attending felt the event was a success.

The “Music on Main Street” subcommittee will be responsible for all event fundraising and announcements. They would work under the Festival Committee. As we did last year, Main Street would need to be closed for the performance.

MOTION: To allow the PSO event on July 28th with the necessary traffic redirection.

- e. Discuss the Board of Selectmen’s Strategic Plan Survey (10 minutes) – Attached is a modified survey to include questions for the Comprehensive Plan and Zoning Ordinance Update Committee’s review/usage. These additional questions will allow the survey to have a dual usage.

MOTION: To approve the modified survey.

- f. Discuss the Workshop Tentatively Scheduled for March 15th Regarding the Dams (20 minutes) – Kennebunk Light & Power District will be holding a hydro meeting in mid March based on the Wright Pierce final report that is expected to be released in the latter part of February. A potential KLPD decision on the disposition of the dams may be made in late March or May. This timeframe still gives KLPD several months to prepare and analyze options prior to filing with FERC. KLPD has declined a joint meeting with Kennebunk Board of Selectmen at this time.

Since KLPD will not make the decision until late March or May, there is not enough time for a straw poll vote in June. The next option for a straw poll would be November. Depending on the outcome of a straw poll vote, an early winter vote by the legislative body may be necessary before the FERC filing date.

After KLPD’s initial decision (March/May), the Board could hold a workshop to discuss that decision and the Wright Pierce final report before making recommendations to KLPD for their consideration before the filing with FERC. Perhaps late May or June might be a better timeline for the workshop.

How would the Board like to proceed?

MOTION:

9. New Business (1st Reading)

- a. Discuss a Request by the Police Department to Obtain Statewide Arrest Powers (10 minutes) – Kennebunk PD is looking to obtain statewide arrest powers in order to reduce liability on officers when making arrests outside our jurisdiction. Kennebunk officers are occasionally put in a position where officers may have to make an arrest outside Kennebunk. This may involve our detectives, officers assigned to county-wide taskforce groups or other situations.

Statewide arrest powers, by state statute, must be confirmed by the Board of Selectmen. There are currently seven agencies within York County with this authority: Biddeford, Eliot, Kittery, Wells, Sanford, York and Ogunquit.

Why do we need this? Recently, several Kennebunk officers had county-wide arrest powers after being sworn in as special deputies. However, the Sheriff has since found an issue with the special deputy authorization and had to rescind all of the IDs and arrest powers. The York County Sheriff’s Office is looking into creating a Memorandum of Understanding to solve this, but the timeframe is unknown.

With statewide arrest powers, we would not have to be concerned with county-wide jurisdiction. Deputy Chief Nugent is familiar with this program and will make a presentation to the Selectmen at the meeting. Attached is a draft of the Statewide Arrest Powers and Procedures document provided by Deputy Chief Nugent.

MOTION: To move to a second reading on February 23rd.

- b. Allocate Additional TIF Operational Items (3-5minutes) – At the February 4th budget meeting, the Budget Board and Board of Selectmen identified the following two committees to be funded from the Route One North TIF:

Economic Development Committee	\$4,250.00
Downtown Committee	4,900.00
	\$9,150.00

The approved TIF Operational balance for 2016 is \$190,903; with the \$9,150.00 addition from the budget meeting, the new total would be \$200,053.

MOTION: To add the Economic Development Committee (\$4,250.00) and Downtown Committee (\$4,900.00) to the 2016 Operational TIF account.

- c. Discuss the Use of the Proceeds from the Sale of the 1973 Dodge Brush Truck (5-10 minutes) – Would the Board consider an alternative to placing the \$5,973.73 received from the sale of the 1973 Dodge truck into the general fund? The Fire Chief has requested using the funds to resolve an issue the Fire Department (Central Station) and the West Kennebunk Village Committee (Dorothy Stevens Community Center) have regarding their kitchen hood vents.

The existing hood vent at the Dorothy Stevens Community Center is too small for the facility. The West Kennebunk Village Committee has been looking for a larger hood vent system. The current stove and hood vent in the Central Fire Station bay kitchen is available. The Fire Department wants to place a new stove in their kitchen area and needs a smaller hood vent. The Chief would like to use the funds from the sale of the brush truck to hire a licensed installer to switch the hood vents.

Would the Board be willing to allow the monies from the sale of the truck to be used for this conversion versus being put in the general fund?

MOTION: To allow the \$5,973.73 to be applied toward the installation of vented hoods for the Dorothy Stevens Community Center and Central Station.

- d. Discuss Boards and Committees (resignations/appointments, if any) (2-3 minutes)

• **Appointment of Resident being interviewed at the beginning of the meeting:**

- Lisa Emmons Downtown Committee Vacancies: (1) Regular 2017
(1) Alternate 2016

If the Board wishes to make the appointment, the motion could be as follows:

MOTION: To appoint Lisa Emmons as a Regular member on the Festival Committee with a term expiring on June 30, 2017.

- e. Discuss Any Other Business (2-3 minutes)

10. Selectmen's Comments

- a. Subcommittee Reports (if any)
- b. Individual Selectmen Comments

11. Town Manager's Comments/Notes

- a. Budget Meetings dates for review of the 2016-17 proposed budget are as follows:

Meeting #1	Tuesday, February 2	6:00 pm to 9:00 pm
Meeting #2	Thursday, February 4	6:00 pm to 9:00 pm
Meeting #3	Saturday, February 6	8:30 am to 11:30 am
Meeting #4	Thursday, February 11	6:00 pm to 9:00 pm
Tentative - Meeting #5	Saturday, February 13	8:30 am to 11:30 am
Tentative - Meeting #6	Tuesday, February 16	6:00 pm to 9:00 pm
- b. Public Meeting Notice for Mathew J. Lanigan Bridge Replacement Meeting – Wednesday, February 10th at 6:00 p.m. in the Kennebunk High School Auditorium.

12. Executive Session(s)

- a. Discuss Pending Litigation with the Town Manager, Finance Director and Town Attorney - Title 1 MRSA Sec. 405(6)(E)
- b. Discuss an Economic Development Matter with the Town Manager, Economic Development Director and Finance Director regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C)
- c. Discuss a Personnel Issue with the Town Manager, Finance Director, Human Resource Director and Public Services Director - Title 1 MRSA Sec. 405(6)(A)
- d. Discuss Salaries and Wages with the Town Manager, Finance Director and Human Resource Director - Title 1 MRSA Sec. 405(6)(A)

13. Adjournment

Special
Meeting
6:15 p.m.
(interviews)

Town of Kennebunk, Maine

Received: 2/1/16



Committee Volunteer Form
(please type or print clearly)

Full Name Lisa Emmons

Street Address 680 Webber Hill Rd Kennebunk, Me 04043

Mailing Address (if different from street address) _____

Daytime Phone # _____ Cell Phone # _____

E-Mail Address _____

I wish to be considered for appointment to the: Downtown Committee
Committee

(Check one or both):

Regular Membership Status (3-year term)

or

Alternate Membership Status (1-year term)

(Alternates vote if Regular member absent)

<u>Town Use Only:</u>
Committee: _____
Membership: Regular or Alternate
Term ends: _____

Do you currently serve on any Town committee? No

If so, please list the committee and the number of years of service _____

Occupation Branch Bank Assistant Manager

Employer Kennebunk Savings Bank

List any civic organizations to which you belong: None at this time

Please complete questions on back of this form

1. Do you have any questions about what the committee does or its mission?
I do not

2. Do you have any practical experience or formal education that would be related to the committee?

For the past 16 years I have been on multiple non profit boards serving local student athletes from our local little league into high school with the Athletic Boosters following the kids into high school. Also event member for the Making Strides Against Breast Cancer walk in Kittery.

3. Why would you like to be on the committee?

I feel I am invested in our community, my family is here. I miss being involved in an orgination that benefits the majority in a good way. Our downtown and our downtown businesses are the heart of our community.

4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings?

Yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

It is important to me to stay connected to the community. I have enjoyed representing the Bank at the annual tree lighting and attending many other downtown events over the years. My son is in college and I would like to be able to give back to a community that has given so much

SIGNATURE: to my family over the years.

Jim Emman

Thank you for volunteering to serve your community.

Please return form by (1) mailing or dropping off to the Town Manager's Office, 1 Summer Street, Kennebunk, ME 04043, (2) emailing to knolette@kennebunkmaine.us, or (3) faxing to: 207-985-4609.

The Board of Selectmen will consider all applications. Once the form has been submitted to the Town Manager's office, an informal meeting will be set up for you to meet the Selectmen. The Selectmen like to meet all candidates before appointing them to committees. Please note that not all committees currently have openings; however, vacancies occur on a regular basis. If the committee you wish to serve on does not have an opening at this time, you may still submit the form and your name will be placed on a waiting list. You will be notified when an opening occurs on that committee.

Thank you for considering serving the Town on one of the many Town committees.

2

(MINUTES)

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES
TUESDAY, JANUARY 26, 2016 – 6:15 P.M.

SPECIAL MEETING

The candidate appeared before the Board and answered questions pertaining to background and relevant experience. The candidate explained that she first applied for an alternate position then found out it was a regular position, which is fine.

Madeleine Tunison	Festival Committee	Vacancies: (2) Regular 2018 (1) Regular 2017 (1) Regular 2016 (1) Alternate 2016
-------------------	--------------------	---

REGULAR MEETING

1. CALL TO ORDER

On January 26, 2016, at 6:30 p.m., in Room 301 of the Town Hall, Richard Morin, Vice-Chairman of the Board of Selectmen for the Town of Kennebunk, called to order the Regular Meeting of the Board of Selectmen. Present were Selectmen Morin, Boothby, Schulte, Cluff, Karytko and Beal. Absent was Chairman Kevin Donovan.

Also present were Town Manager Barry Tibbetts and Finance Director Joel Downs.

2. MINUTES

- a. January 7, 2016 Special Meeting (Joint Meeting w/ Arundel, K'bunk, K'port & RSU 21).
- b. January 12, 2016 Regular Meeting

There were no public comments.

A motion was made to accept the January 7, 2016 Special Meeting (Joint Meeting w/ Arundel, K'bunk, K'port & RSU 21) and the January 12, 2016 Regular Meeting.

MOVED:	Cluff
SECONDED:	Karytko
DISCUSSION:	None
MODIFICATIONS:	None
VOTE:	5 approved, 1 abstained (Schulte), 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

3. ITEMS TO BE SIGNED

- a. Items as Presented – None

The Vice-Chair proceeded to the next item.

4. PUBLIC HEARINGS

- a. The Vice-Chair opened a hearing to act on the following renewal of a Malt, Spirituous and Vinous Liquor License:

**Brian and Shanna O’Hea d/b/a The Kennebunk Inn LLC
located at 45 Main Street
for a renewal of a Malt, Spirituous and Vinous Liquor License**

Town Manager’s Note (not part of the public hearing notice):

Fire Department: no deficiencies noted in the annual inspection.

Police Department: no calls for service that would interfere with the renewal of the license.

DISCUSSION:

Tibbetts stated that the Town is recommending the renewal.

There were no public comments.

A motion was made to approve the renewal of a Malt, Spirituous and Vinous Liquor License for Brian and Shanna O’Hea d/b/a The Kennebunk Inn LLC.

MOVED: Karytko
SECONDED: Cluff
DISCUSSION: None
MODIFICATIONS: None
VOTE: 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

5. PUBLIC COMMENT

Merton Brown, Town Clerk, reminded the public that the cost to license their dog(s) will increase beginning February 1st from \$11 or \$6 (neutered or spayed) to \$36 or \$31.

The Vice-Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. New Hire/Police Department – We are pleased to announce that Michael F. Nugent has been selected as the Deputy Chief of the Kennebunk Police Department. He started with the Town on January 11, 2016.

Michael is a veteran law enforcement officer, recently serving as Captain at Westbrook Police Department, where he had been since 1996. Prior to his law enforcement career, Michael served with the United States Army, active duty for 12 years and reservist for 10 years, retiring at the rank of Major. Michael holds a Bachelors degree in Criminology through Indiana University of Pennsylvania. Michael has attended the FBI-LEEDA Executive Seminar and FBI-LEEDA Command Institute for LE Executives. Michael resides in Wells with his wife Diane.

The Board welcomed Michael to the Town of Kennebunk.

DISCUSSION:

Nugent was present and he thanked everyone for welcoming him and expressed his pleasure with coming to the Town.

- b. Recreation Director Retiring – Brian Costello, Kennebunk’s long-time Recreation Director, has announced he will be retiring on April 22nd, after 30 years with the department.

Costello began his employment with the Parks and Recreation Department in March 1986 as a Program Assistant and Parks Maintenance Lead, becoming Director in June 1986. He has been instrumental in growing the Department’s programs to serve the diverse needs of the community.

Under his tenure, the number of department programs grew from just 45 with revenues totally \$26,000 to more than 500 this past year, generating over \$700,000 in revenues. Costello also led numerous improvements at many of the Town’s facilities. During his 30-year tenure, Brian built a highly professional recreation department that has adapted to the changing needs of the community.

We’d like to thank Brian for his outstanding service to the Town. His commitment to the youth, families and businesses was superb and will certainly be missed. We wish him the very best in his future endeavors.

There were no public comments.

The Vice-Chair proceeded to the next item.

7. TIME SENSITIVE BUSINESS

- a. Award the Bid for the Sale of the Fire Department’s 1973 Dodge Brush Truck – The Kennebunk Fire Rescue was approved to purchase a new brush truck in the current capital improvement program. This new vehicle will replace the 1973 Dodge “Brush 2” at the West Kennebunk Station and should arrive by the end of the month. The old brush truck (1973 Dodge, model W200, AWD) was put out for sealed bid on December 28, 2015 with bids due on January 21, 2016. The Truck was advertised on the Town’s website, Maine Municipal Association’s website, the Maine Fire Chiefs website, and Craigslist. It was noted that the bid specifications (3 page document) could be viewed on our website.

As you can see on the bid that was included in the Board packet, we had a tremendous response to our bid advertisement. The bids prices submitted ranged from \$101.00 to \$5,973.73. Our recommendation is to sell the vehicle to the highest bidder, Barry Moses from Kingston, NH, at a price of \$5,973.73.

DISCUSSION:

Tibbetts described the truck and explained that it was purchased by the Town in 1973. Tibbetts further explained that it was decided to rotate the truck out of the fleet. There were over 50 bids received and the highest was \$5,972.73. Schulte asked what the value of the truck is. Tibbetts responded that the value is in the \$3,000 range, has low mileage and is desirable for a collector. Karytko asked what the procedure is if the first bidder reneges. Tibbetts explained that it would go to the second bidder and he will inform the Board. Tibbetts also stated that the monies will go to the general fund.

There were no public comments.

A motion was made to award the sale of the 1973 Dodge M200 Brush Truck to Barry Moses from Kingston, NH at a price of \$5,973.73.

MOVED: Cluff
 SECONDED: Karytko
 DISCUSSION: None
 MODIFICATIONS: None
 VOTE: 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

8. OLD BUSINESS (2ND READING)

- a. Discuss the 2016 Single Axle Dump Truck Bids– In this year’s budget (2015-16), we allocated \$170,000 for a single axle dump truck. Bids specifications were sent out and the following bids were received:

Company	Bids	
Portland North Truck Center	Base Bid: (H.P. Fairfield Package)	\$164,404.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	0
International truck	Add Alt. 1 (extended warranty)	\$3,560.00
Portland North Truck Center	Base Bid: (Tenco/Messer Package)	\$187,830.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	0
International truck	Add Alt. 1 (extended warranty)	\$3,560.00
Portland North Truck Center	Base Bid: (Viking Cives Package)	\$165,265.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	0
International truck	Add Alt. 1 (extended warranty)	\$3,560.00
Freightliner & Western Star of Maine Inc.	Base Bid: (Tenco/Messer Package)	\$188,336.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Freightliner	Add Alt. 1 (extended warranty)	\$4,901.00
Freightliner & Western Star of Maine Inc.	Base Bid: (H.P. Fairfield Package)	\$164,910.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Freightliner	Add Alt. 1 (extended warranty)	\$4,901.00
Freightliner & Western Star of Maine Inc.	Base Bid: (Viking Cives Package)	\$165,771.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Freightliner	Add Alt. 1 (extended warranty)	\$4,901.00
O'Connor Motor Co.	Base Bid: (H.P. Fairfield Package)	\$189,228.00
Portland, ME	Deduct Alt. 1 (allowance for trade-in)	0
	Add Alt. 1 (extended warranty)	\$11,289.00
Freightliner & Western Star of Maine Inc.	Base Bid: (Tenco/Messer Package)	\$194,473.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Western Star	Add Alt. 1 (extended warranty)	\$4,901.00
Freightliner & Western Star of Maine Inc.	Base Bid: (H.P. Fairfield Package)	\$171,047.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Western Star	Add Alt. 1 (extended warranty)	\$4,901.00

Board of Selectmen Minutes

January 26, 2016

Page 5

Freightliner & Western Star of Maine Inc.	Base Bid: (Viking Cives Package)	\$171,908.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Western Star	Add Alt. 1 (extended warranty)	\$4,901.00
Plow Equipment only:		Subtotal
Viking Cives	Equip. less Chassis	\$77,285.00
Lewiston, ME	Viking package	

The Public Services Director recommends accepting the low bid from Portland North Truck Center (HP Fairfield Package) for \$164,404.00, without the extended warranty. It was noted the bid specifications (25 pages) could be viewed on our website.

DISCUSSION:

Tibbetts is recommending going with the bid from Portland North Truck Center with no extended warranty for \$164,404.00. Karytko asked if this truck is a replacement. Eric Labelle, Public Services Director, explained that they are currently one truck short and a spare is needed if another goes down in order to continue with work. Boothby asked why no extended warranty. Labelle explained he did not feel the value was there. Schulte asked why an older truck was sold in June. Tibbetts stated for excessive mileage and rust. Labelle explained that the auction takes place in June and it was a good time to sell the vehicle. He further explained that a new truck purchase was in the budget.

There were no public comments.

A motion was made to award the 2016 Single Axle Dump Truck to the low bidder, Portland North Truck Center, for the HP Fairfield Package at a price of \$164,404.00, without the extended warranty.

MOVED: Cluff
 SECONDED: Karytko
 DISCUSSION: None
 MODIFICATIONS: None
 VOTE: 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

- b. Discuss the Three Dams Located on the Mousam River in Kennebunk – At the last meeting, the Board discussed holding a joint workshop with the Kennebunk Light & Power District (KLPD) on options for the dams not listed in their current study. Our staff, consulting with KLPD, would develop the alternate options. The tentative date for a workshop is Tuesday, March 15th, pending KLPD confirmation.

Concerning the timing sequence for a straw vote and the Federal Energy Regulatory Commission (FERC) licensing requirements, a straw vote would need to be held in June versus November. Depending on the straw vote outcome, this would allow for a potential final vote with a funding commitment in November 2016. The presidential election has the most voter turnout. This timeline would allow KLPD to meet the FERC deadline of March 2017.

DISCUSSION:

Tibbetts has spoken with Todd Shea, General Manager at KLPD, to discuss the possibility of holding a straw vote in June. This would allow time to have the vote at the November Presidential election. Tibbetts explained if a straw vote was held in November, a special election would need to be held in the winter, which usually has a low voter turnout. Tibbetts suggested a straw vote to KLPD as a way to find out what the public would like and alternative options were lacking in what was proposed. Tibbetts further explained the

Town's perspective involves looking at the aesthetics and recreation values along with the impact to the community. Schulte asked if there will be any final decision by the March 15th workshop and he is concerned about spending time and money for something that will not occur. Tibbetts responded that KLPD will need to indicate their intentions. Tibbetts also stated that if the Town is part of the decision, we will have the ability to go back and make modifications. If the Town is not, will need to file as an intervener, which is costly. The Board questioned KLPD following what the public wants. Tibbetts explained if they see what the voters want, officials will likely follow. There was a discussion of the expense of exploring new alternatives and of KLPD agreeing to share resources from the Wright Pierce report. Tibbetts explained that they can look at using Town staff, if necessary, and will be able to move forward and will determine funding later. Cluff expressed his concern of not overloading the Town Engineer.

Morin asked if there were any public comments and requested the comments be on positive or negative implications of the workshop only. Karytko reiterated Donovan's comment that we do not own the dams.

Resident Sharon Staz supports the workshop and explained the Federal rules and regulations regarding Notice of Intent being filed. She explained that once a filing is made, it becomes the plan. To change a plan, you need to become an intervener, which is difficult. If the Board determines that they are willing to take ownership of the dams, there is no reason KLPD could not sell them back for a \$1, which was the price the Town sold to them. Staz explained the Town will need to do this before the Notice of Intent has been filed. Schulte asked if they go into this together, would the Town be liable for all costs of taking down the dams, if that would be the plan. Tibbetts explained that KLPD will have liability in removing the dams and the costs will be part of the negotiations.

Resident Chauncey Copeland described a meeting he attended earlier in the day with KLPD. Todd Shea conveyed to him a timeline and the Trustees will be voting in the beginning of February to address the Wright Pierce report and making their decision in March. Copeland explained that he had a difficult time getting an answer on studies of the impact for the environment and he asked Selectman to modify the wording of the motion to include key groups. Copeland recommended including only a couple KLPD trustees, Tibbetts, the tax assessor from the Town, a local real estate rep. and Kennebunk Economic Development Committee.

Resident Shawn Teague expressed the importance of having the workshop and explained that residents have had specific questions of KLPD and have not received answers. He stated that residents are frustrated and he hopes Selectmen will help get these questions answered. Teague feels it is the duty of the Board to get this information addressed. Teague also would like to have an estimate of the costs of the rates, per month, if they decide to bill to cover costs. Beal suggested the Board receive the questions ahead of time so they can review them before the workshop.

Resident Ward Heinzen asked to picture what the river would like in the downtown and in Kennebunk. He stated that he does not feel the public is being heard and wants to slow down the process.

Resident Patricia Hughes mentioned that she understands KLPD has come to a valid business decision for ratepayers and she asked the Board for help because KLPD is not looking at property values. Hughes has spoken to the Town Planner in Arundel and was told that what KLPD promised did not come true.

Resident Louis Copeland stated that she thinks there is a need for the workshop. She asked the Board if there is any way to have them push out their decision. KLPD's self imposed deadline and they do not need to do anything. Copeland explained that she asked KLPD this and they told her they are choosing to do it

this year because they can. She further explained that there should be subsequent workshops with KPLD invited.

Resident Donna Teague stated that she is for the workshop and asked the Board to include realistic appraisals for property values and what it will mean to the Town. She also mentioned other issues that are coming up. Ratepayers need to understand it will be out of their wallet.

Morin stated it could be beneficial to bring in local realtors to discuss the appraisal impact on land values. Karytko suggested Tibbetts call Shea and ask that no decisions be made before the March 15th workshop. Boothby requested that the sewer and water districts be included and to focus on the large items. Beal would like to have concrete structure at the workshop.

A motion was made to tentatively set the date of March 15th for joint workshop with KPLD incumbent upon Town Manager Tibbetts' conversation with Todd Shea.

MOVED: Karytko

SECONDED: Cluff

DISCUSSION: Boothby asked if the sewer and water districts will be invited. Beal mentioned that it is important to have a structure ahead of time because not all issues can be covered in one evening and she does not think all others should be involved in the beginning. Boothby replied that the utility departments do not have to participate in the workshop but he would like them there if questions arise that only they can answer. Schulte stated that he would like to see what extent the Town is involved and what is the process and KLPD needs to be willing partners. Tibbetts will send a draft of the agenda for the workshop to the Board for review before the meeting and he will contact the water and sewer districts. Beal mentioned a larger venue will be needed.

MODIFICATIONS: An amended motion was made to tentatively set the date of March 15th for a Joint Workshop with KLPD.

MOVED: Karytko

SECONDED: Cluff

VOTE: 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

- c. Discuss the Time and Attendance Bids – A new time and attendance system to replace the existing antiquated, non-integrated system currently used by the employees at Town Hall and Public Services was presented at the last meeting. Currently, manual data entry is required to get time data input for the Recreation department's part-time employees and all employees in the Fire and Police departments. The new system can be used by all departments and provides accruals and attendance reporting for employees and supervisors.

The bid summary is shown below and a detailed listing of the bids/systems was attached in the packet for your review.

Company Name	BiznusSoft	KRONOS	Andrews Technology	Cincinnati Time of Maine
In-house	n/a	n/a	\$38,190.00	\$34,430.00
Software as a Service (SaaS) (Cloud) (As listed on bids)	\$97,800/12 months (500 employees; purchased clocks)	\$1,008.5/month (100 employees; leased clocks)	\$35,000/12 months (250 employees; purchased clocks)	\$1,573.90/month (402 employees; leased clocks)

SaaS (Restated as 250 employees per month for 12 months; purchased clocks)	\$82,800.00	\$35,625.00	\$35,000.00	\$17,911.00
--	-------------	-------------	-------------	-------------

After our review, the system that best meets our needs, at the least cost, is the Attendance on Demand system proposed by Cincinnati Time of Maine at a price of \$17,911.00. The budgeted amount for this purchase is \$15,000.00. The difference can be funded from the remaining budgeted monies for the current maintenance of the time clock system. We have the funds for this SaaS (cloud) approach for all departments except the link to the IMC system used by the Police. We would need to budget \$4,000 for the IMC conversion link in next year's budget. This item was discussed with the Selectmen's Finance Subcommittee at their meeting on January 5th and at the Board's last meeting.

DISCUSSION:

Tibbetts stated that staff is recommending Cincinnati Time system and the product meets and exceeds expectations. Tibbetts explained that the Town will be able to purchase the software in the SaaS approach and the conversion will take a couple of months. Karytko asked how this will save money and the logic for choosing this system. Tibbetts explained the system can integrate the fire and police departments and will enable staff to track hours electronically, which will save time in processing payroll and is more efficient.

There were no public comments.

A motion was made to purchase the time and attendance software, Attendance on Demand, proposed by Cincinnati Time of Maine at a price of \$17,911.00 with funding from the capital operating budget.

MOVED: Karytko
 SECONDED: Cluff
 DISCUSSION: None
 MODIFICATIONS: None
 VOTE: 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

- d. Discuss Various Special Events and Timing Thereof – Over the course of one year, Kennebunk is host to approximately 40+ special events. These events are either non-profit organizations or Town events. Events of non-profit organizations that encumber the roadway total 17, while Town-sponsored events total eight. The remaining events do not affect the roadways. We are now receiving applications from businesses and individuals to hold events, i.e. road races, etc. on Town roads that would profit from the event (they are not a non-profit individual or group). A summary of all events held in 2015 was included in the board packet, providing insight into the potential conflicts by areas and dates.

At the last meeting, the Board requested a draft policy be written to regulate these events. A Special Event Policy has been drafted and was included in the packet. A quick summary of the draft includes these parameters:

- Areas covered in Town
- Priority ranking of which application is first
- Restrictions for road events and number of events on any given weekend
- Number of events allowed within a given area (Lower Village, Downtown, West Kennebunk)
- Events can only be reserved six months in advance
- All events must comply with the Special Events Application

DISCUSSION:

Tibbetts stated that he needs to make modifications to the policy. The first item relates to all events over 300. He is concerned with the impact on the roads. He also explained that he does not think there is a need to regulate park events. There should be a fee for the application. Tibbetts would also like to add that applicants for an event that affects "x" number of abutters on roadways, will be required to send a postcard out to notify abutters. Addresses are available in the code office.

Cluff was concerned that the policy does not address road closures. Schulte asked how many of the events are actually closing the roads. Tibbetts described the special event application process and explained the information it covers. Cluff mentioned a need to assess the impact of road closings on businesses. Morin recalls that there were to be no decisions on road closure unless there was an assessment on the impact on businesses. Schulte questioned the policy on the number of events allowed on a weekend. Board members listed out some of the Town events that have multiple day events on a weekend. Tibbetts stated that he needed to come up with a policy due to increased requests, especially from "for profits." Schulte stated that it is worth having a second reading. Tibbetts will refine the policy and bring back for Board review.

No motion was needed.

The Vice-Chair proceeded to the next item.

- e. Discuss the Pay-As-You-Throw Program and Bag Pricing – Recently, the Selectmen's Subcommittee on Solid Waste met to discuss the Pay-As-You-Throw (PAYT) program, Recycling, and the Transfer Station. The attached spreadsheet reflects the program's history. Again, this year, a deficit will be realized in the enterprise fund for this program. This is a result of several factors: increased cost for collection, weight vs. volume collection, and the increased tipping fee. In addition, we have not raised the price of bags for three years. That deficit can be eliminated by increasing the bag pricing or funding from the undesignated general fund or combination thereof. To better understand the non-compliance of users, a report is attached looking at two weeks in January indicting the percentage of households not using town bags. The non-compliance rate is under 1%. We currently place stickers on the containers of all violators alerting them of the violation. We will be sending printed cards to the homeowner in the coming weeks further highlighting the issue.

The estimated numbers to correct the deficit will be ready Tuesday evening. The four options are:

1. Increase the bag pricing to cover 100% of deficit on a yearly basis.
2. Supplement the shortfall using undesignated fund balance each year.
3. A combination of 1 and 2 above: Increase the bag pricing and supplement the shortfall using funds from the undesignated fund balance.
4. Place a warrant article before the voters in June eliminating the PAYT program, which would result in increasing the mil rate by an estimated "X" cents.

Note: If this program is eliminated, the cost for solid waste disposal will fluctuate on the total weight delivered to the tipping station. The potential issue in the future for this option will depend on how faithful the residents are in recycling. This increase in the tax rate will affect all property taxpayers, including those that do not participate in the program (businesses as well as residents who have chosen to use a private contractor).

DISCUSSION:

Tibbetts explained that the PAYT numbers have been presented in the four options as requested at the last Board meeting. Downs gave a summary of the spreadsheet and explained it reflected residential pick up only. He stated 55% of the pickup is trash, therefore, 45% is recycling and that the last increase in bag prices

was in May of 2013. Downs reviewed the cost and fees from 2013, 2014 and 2015 and reviewed fiscal year 2016 projections. These projections show a deficit of \$86,300 if current pricing resumes. The collection fee is \$299,400 and does not change. Net loss for 2017 would be approximately \$90,400 if nothing changes. Karytko asked why the tonnage amount for residential is not going down if there is more recycling and asked if it could be from billing inaccuracy. Cluff mentioned that the new program started last summer and we do not have enough historical data to make a comparison. Schulte mentioned it is worth looking at tracking the billing more closely. Schulte asked because of fewer bags, does that mean higher volume of recycling. Downs mentioned that people are putting heavier items in the trash bags. Morin asked if five cents added to the mil rate would cover deficit plus the supplement and twenty-three cents to the mil rate if no bags. Downs agreed.

Karytko asked what the noncompliance record was from July to December. Tibbetts replied that he can go back and figure that number out and will let him know. Cluff mentioned that he would like to fix the problem now and look into fixing the whole program later. He is not in favor of raising the mil rate.

Resident Bill Gallant stated that as a business owner, trash is a pay as you go and he is not willing to pay for others by increasing his costs if the mil rate is raised.

Karytko mentioned that it is not fair to increase mil rate because trash amounts vary from households. Beal stated that the cost to cover the deficit should be split and she is concerned that residents will find other ways to dispose of their trash if bag prices increase. Morin suggested looking into a lift assessment. Beal reminded the Board the cost for the truck to go out will remain the same regardless of a bag or lift system.

Resident Bonnie Clement mentioned that as a business owner she pays to have a dumpster and she doesn't believe getting rid of bags is a good idea. She believes raising the price should be a Town vote and people will not use bags if they are more expensive. Schulte stated that residents will be paying anyway if the mil rate is increased.

Resident Sharon Staz mentioned that the composting program is kicking off.

Resident John David described a program used in California based on weight of the barrels. This program used a scanning system. He liked it because the program eliminates plastic bags. He will gather more information when he returns to California in March. Cluff mentioned that he had been told this technology is not available at this time. Karytko stated that he had been told the equipment to weigh barrels is not reliable. Morin requested Tibbetts to talk to other communities to check how their systems are succeeding.

A motion was made to increase the price of bags by 33% effective date January 27th with no change in color.

MOVED: Cluff

SECONDED: None

The motion failed.

Cluff indicated the price is what the Town charges and will be applied when vendors order them. Those that are sold at Town Hall, will be sold at the new rate. Beal mentioned that every time there is a deficit, they look to increase the price of the bags. Morin challenges the committee to come back with alternatives. Beal has a concern that the vendor is not obligated to change options and the contract is for ten years. Schulte mentioned that tipping fees is a place to look to change to save money. Karytko asked if this item can be put off in order to do more research. Morin mentioned that they need to come to a decision now and change the

approach for the future. Tibbetts explained the need to build into the budget to zero out for the upcoming budget meeting.

Resident Bonnie Clement stated that she thought the research was done and doesn't understand why there is a deficit. She also stated the residents need to know what the price will be.

A motion was made to postpone the decision of increasing the price of the bags for four weeks and come back to the Board with more information.

MOVED: Karytko
SECONDED: Beal
DISCUSSION: None
MODIFICATIONS: None
VOTE: 4 in favor, 2 opposed (Boothby, Cluff). The motion passed.

Cluff requested putting trash subcommittee on the Agenda and include those from Pine Tree.

The Vice-Chair proceeded to the next item.

- f. Discuss the 2016 TIF Operational Expenditures – The Economic Development Committee has met with the Lower Village, Downtown and West Kennebunk Village Committees to discuss the operational expenditures. Included in the Board packet were the proposed expenditures for 2016, which the committees support.

DISCUSSION:

Tibbetts gave a summary of the policy and explained the process of determining the fees for Board review. The projected costs are listed and include the salary of the Economic Development Director. Tibbetts stated that the Selectmen control the TIF funds and the expenses of the TIF are not part of the regular budget. Tibbetts mentioned the information was provided at a workshop in December. Cluff asked if \$161,000 is the amount the downtown TIF needs to maintain every year. Downs explained that they need to include the \$160,000 already in the budget and TIFs cease to exist in 2033. Cluff asked if it (\$161,000) is limiting the TIF operating budget too much. Beal asked if there should be cutbacks now.

Bob Georgitis, Economic Development Committee (EDC) co-chairman, explained that the TIF district is self-funding and a benefit to the districts that are paying. He also mentioned that they will be able to create a special assessment district in the future when the TIFs run out. Georgitis recommends building a reserve for big projects so bonding is not necessary. Beal agrees and would like to see cutbacks on some things now in order to save for big projects. Beal mentioned the expense for the trolley and pointed out it was voted down by voters in the past. Morin asked how many loans have been created. Georgitis explained there has been one loan with a remaining balance of \$45,000. Morin stated that the Board is not obligated to adhere to the recommendations of the committee.

Blake Baldwin, co-chairman of the EDC, mentioned his frustration having another conversation regarding the list with the Board. Baldwin doesn't think the current Board has a strategic vision for the Town. Baldwin stated that if the Board does away with the TIFs, the mil rate will go up. He asked for better direction and believes that Mat Eddy (Economic Development Director) is worth the money because he is doing a good job. Boothby asked why the trolley is a high priority. Baldwin explained that the having the Downeaster requires trolley service. Baldwin explained that the EDC made a recommendation and talked to other committees to determine priorities, which are a wish list. Baldwin stated the stormwater runoff project is important because it would reclaim lands for proper use. Schulte and Cluff mentioned that the EDC is

doing a good job but the Board has a fiduciary duty to the Town. Cluff also stated that the Board is working on a strategic plan. Cluff has concerns with spending the money in the right place, such as the trolley, and he didn't know the reasoning behind it. He would like more information on the items on the list. Baldwin mentioned that the flowers, for example, have drawn people to Kennebunk. Morin explained that he does not believe in paying Mat Eddy's salary using TIF funds. Morin explained that this Board is challenging Tibbetts' lead. Discussion followed on filling downtown space. Baldwin stated that downtown is full.

Resident Betsy Smith also co-chair of the Lower Village Committee, stated that there is too much of economic priority setting driven by the TIFs. Downtown has a larger focus and she thinks there are development opportunities all over town.

Sharon Staz asked the Board to consider keeping Item (f) separate from Item (g).

A motion was made to approve the proposed expenditures for 2016.

MOVED: Cluff

SECONDED: Schulte

DISCUSSION: Beal asked when the appropriate time to go through these items on the list line by line is. Morin replied that the Board let the Committee down by not going through the discussion as thoroughly as they should have. Morin went on to say there has been a radical shift in the Board and it is important to have the public's viewpoint.

MODIFICATIONS: None

VOTE: 4 in favor, 2 opposed (Boothby, Cluff), 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next agenda item.

g. Discuss Long-Term Capital TIF Infrastructure Projects– The Economic Development Committee has reviewed the various projects by area with the Downtown, Lower Village and West Kennebunk Village Committees and has prioritized those items for discussion, funding and implementation. The Board packet contained a summary of those possible projects, the estimated cost and statute references. More information is included in the packet concerning the balances within the TIFs and how they benefit the Town monetarily.

DISCUSSION:

Tibbetts discussed the priority list that is before the Board for long-term projects. He explained that regardless of the tasks assigned, not all on the list can be achieved. The EDC gave their rankings, which are subject to change. As an example, Tibbetts explained that the school is looking to add natural gas and this could affect a potential Route 1 natural gas project, which would move the priority from medium to a high position. Tibbetts also mentioned the importance of having a few engineering studies in order to give a better insight for the EDC to come back to the Board. Eddy stated that all projects have importance and he explained how the EDC bases their priority of the projects. He mentioned that there has been decent return on investments. Eddy explained they are developing a marketing program with local businesses. Morin pointed out taxing the system will create unintended consequences, such as with the sewer project.

Bob Georgitis mentioned that this has been in the comprehensive plan and developers only benefit themselves.

Morin suggested setting up a workshop. Cluff stated that infrastructure upgrades are what he feels are most important. Morin mentioned that if a business wants to develop an area, such as the Route 1/Ross Road

project, they should pay. Eddy explained that that project also needs work on the road and the Town knows there are water and sewer issues.

Baldwin described how California places improvement costs in place to businesses to make improvements.

Resident (and EDC member) Steve Hrehovick explained that he has lived in Kennebunk for many years. He thanked the Board for their time and energy and pointed out that the Town has grown in a wonderful way.

No motion - item was tabled.

The Vice-Chair proceeded to the next item.

- h. Discuss the Board of Selectmen's Strategic Plan Survey – Included in the Board packet is a modified survey to include questions for the Comprehensive Plan and Zoning Ordinance Update Committee's review/usage. These additional questions will allow the survey to have a dual usage, saving the Town from issuing a second survey.

DISCUSSION:

Tibbetts stated that the survey questions were combined with the Comprehensive Plan & Zoning Ordinance Update Committee's questions in order to do one survey. Morin mentioned that he has reviewed and likes the survey. Eddy explained that some questions were repeated from a previous survey, which will provide a comparison. Eddy also explained there are new issues included, such as climate change and another survey will be sent out in the summer. Karytko suggested having the questions reviewed at the next evening's Comprehensive Plan & Zoning Ordinance Update Committee meeting. Schulte stated that they can vote on this item at next week's budget meeting after the committee has had a chance to review. Beal asked Eddy how they will be able to pull data apart by region. Eddy responded that the survey requests people to list where they live.

No motion was made in order for Comprehensive Plan & Zoning Ordinance Update Committee to review survey.

The Vice-Chair proceeded to the next item.

9. NEW BUSINESS (1ST READING)

- a. Discuss the Recreation Director Position – As noted in Article 6.b, our long-time Recreation Director, Brian Costello, will be retiring on April 22nd. In filling this leadership position, we would normally review the various responsibilities to determine if any adjustments would be in order, then proceed with advertising and filling the position.

We have reviewed the position responsibilities and will move the lifeguard and Coastal Healthy Beaches under the Fire/EMS Division. Additionally, we will move the beach parking meters to the Police Division. Brian is an excellent manager and was able to handle these two items, however, we believe they should be reallocated to allow a new Recreation Director to fully concentrate on the department programming, etc.

DISCUSSION:

Cluff asked if Tibbetts has spoken to Arundel and Kennebunkport in an effort to share resources when this position is vacant. Cluff feels this is a good opportunity to centralize. Tibbetts responded that there are opportunities to share resources and there are challenges. He explained that smaller communities have concerns about losing their identity and their costs are different from Kennebunk's. Tibbetts is willing to sit down and have a discussion, but he reminded the Board that May is the busiest month and this process will take time. Karytko asked if the new assistant would be able to handle things until a new director is hired. Tibbetts responded that he will make sure things are under control as the process proceeds. Tibbetts will discuss the possibility with the other town managers. Beal pointed out the magnitude of the recreation program offered by Kennebunk and is concerned with the number of programs the Town offers. Morin asked if the Recreation Department is running a \$300,000 deficit. Tibbetts responded that the numbers reflect six months and do not give a complete picture due to registrations for the summer program. Those revenues are not reflected in the six month actuals. Downs will give the Board the deficit number tomorrow.

There were no public comments.

A motion was made to move the Lifeguards and Coastal Healthy Beaches under the Fire/EMS Division and move the Beach Parking Meters to the Police Division.

MOVED: Schulte

SECONDED: Cluff

DISCUSSION: Morin stated that this type of decision should be up to the Town Manager and he can report back to the Board. It does not need a motion.

MODIFICATIONS: Schulte agreed and withdrew his motion.

VOTE: None

Tibbetts will contact Arundel and Kennebunkport to get their input on the Recreational Director position.

The Vice-Chair proceeded to the next item.

b. Discuss Boards and Committees (resignations/appointments, if any)

• **Appointment of Resident being interviewed at the beginning of the meeting:**

- Madeleine Tunison Festival Committee Vacancies: (2) Regular 2018

There were no public comments.

A motion was made to appoint Madeleine Tunison as a Regular member on the Festival Committee with a term expiring on June 30, 2018.

MOVED: Karytko

SECONDED: Cluff

DISCUSSION: None

MODIFICATIONS: None

VOTE: 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

c. Discuss Any Other Business

None.

The Vice-Chair proceeded to the next item.

10. SELECTMEN'S COMMENTS

a. Subcommittee Reports (if any)

b. Individual Selectmen Comments

Selectman Beal

- Thanked people for turning out to the chili contest put on by the Patriot Riders and also the skate swap. It was a brutally cold day and there was a good turnout.

Selectman Schulte

- Thanked those that came to the meeting tonight.

Selectman Karytko

- He attended the Lanigan Bridge Committee meeting and they discussed the colors of the rails.
- Heard from a resident who was not happy with the snow plowing on Ross Road after the last storm. He drove over the road and agreed.
- Comprehensive Plan & Zoning Ordinance Update Committee meeting is coming up and, based on conversations tonight, he hopes to bring the Committee's thoughts and a direction.
- Attended School Board meeting and the topic of Sea Road School was discussed.
- Asked Tibbetts about the amount in a report regarding crack sealing. Tibbetts replied that the total was incorrect and explained the dollar amount for crack sealing is \$100,000. They will discuss off-line.
- Attended the Site Plan Review meeting last Thursday. He asked for clarification regarding the Chairman's statement regarding Aroma Joe's. Barry explained what the Board was referring to members who should only discuss topics at meetings.

Selectman Boothby

- None

Selectman Cluff

- None

Selectman Morin

- None

11. TOWN MANAGER'S COMMENTS/NOTES

a. Budget Meetings dates for review of the 2016-17 proposed budget are as follows:

Meeting #1	Tuesday, February 2	6:00 pm to 9:00 pm
Meeting #2	Thursday, February 4	6:00 pm to 9:00 pm
Meeting #3	Saturday, February 6	8:30 am to 11:30 am
Meeting #4	Thursday, February 11	6:00 pm to 9:00 pm
Tentative - Meeting #5	Saturday, February 13	8:30 am to 11:30 am
Tentative - Meeting #6	Tuesday, February 16	6:00 pm to 9:00 pm

- b. Public Meeting Notice for Mathew J. Lanigan Bridge Replacement Meeting – Wednesday, February 10th at 6:00 p.m. in the Kennebunk High School Auditorium.

The Vice-Chair proceeded to the next item.

12. EXECUTIVE SESSION(S)

- a. Discuss an Economic Development Matter with the Town Manager, Economic Development Director and Finance Director regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C)
- b. Discuss Salaries and Wages with the Town Manager, Finance Director and Human Resource Director - Title 1 MRSA Sec. 405(6)(A)

Executive sessions were not held. Items tabled until the next meeting.

13. ADJOURNMENT

A motion was made to adjourn the meeting at 10:50 p.m.

MOVED: Cluff
SECONDED: Karytko
DISCUSSION: None
MODIFICATIONS: None
VOTE: 6 in favor, 1 absent (Donovan)

DRAFT

Deborah Beal, Secretary
Kennebunk Board of Selectmen

Minutes Approved: _____

7.a.

Jeffrey H. Rowe, Fire Chief



*Dana Ingham District Fire Chief
John Everett, District Fire Chief
William VanDeinse, District Fire Chief*

KENNEBUNK FIRE RESCUE

KENNEBUNK, MAINE

To: Barry Tibbetts, Town Manager

Fr: Chief Rowe

Date: 2/2/16

Re: Ambulance billing rates

Attached are the recommendations for the ambulance billing rates for 2016. We have maintained the same rates as in 2015. This is partly due to fuel cost savings. We did look at surrounding communities as much as the law would allow and we are in the middle, some are higher and some are lower. In fairness to the customer it is recommended to remain flat this coming year.

If you have any further questions please feel free to call me.

Sincerely,

Chief Rowe



KENNEBUNK FIRE RESCUE KENNEBUNK, MAINE

TOWN OF KENNEBUNK 2016 PROPOSED AMBULANCE BILLING RATES

<u>Charges</u>	<u>Rates 2016</u> (No change from 2015)	<u>Rates 2015</u>
BLS EMERGENCY BASE RATE	\$684.11	\$684.11
BLS NON-EMERGENCY BASE RATE	\$425.29	\$425.29
ALS1 EMERGENCY BASE RATE	\$824.00	\$824.00
ALS1 NON-EMERGENCY BASE RATE	\$515.62	\$515.62
ASL2 EMERGENCY BASE RATE	\$1158.12	\$1158.12
SPECIALTY CARE TRANSPORT	\$1403.89	\$1403.89
MILEAGE	\$13.40	\$13.40
AIRWAY	\$149.35	\$149.35
ALS INTERCEPT FEE	\$281.19	\$281.19
CARDIAC MONITOR	\$84.46	\$84.46
DEFIBRILLATION	\$136.99	\$136.99
IV ADMINISTRATION	\$100.00	\$ 100.00
MEDICATION ADMINISTRATION	\$130.81	\$130.81
NO TRANSPORT FEE	\$130.81	\$130.81
OXYGEN	\$70.00	\$70.00

7.b.

TOWN OF KENNEBUNK

Ordinance Regulating Single-Use Carryout Plastic Shopping Bags

Findings; Purposes

The Board of Selectmen of the Town of Kennebunk hereby find as follows:

- 1) The Selectmen have a duty to protect the natural environment and the health of its citizens and visitors; and
- 2) The use of single-use carryout bags has severe environmental impact on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and
- 3) The use of single-use plastic bag has significant impacts on the marine and land environment of all coastal communities, including, but not limited to, the potential death of fish, fowl, and wildlife through ingestion and entanglement and altering marine ecosystems by smothering plants; and
- 4) Despite recycling and voluntary solutions to control pollution from single-use carryout bags, very few single-use carryout bags are recycled; and
- 5) Numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains, and endangering wildlife; and
- 6) The Town of Kennebunk's taxpayers must bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife; and
- 7) The Town, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost); and
- 8) From an environmental and economic perspective, the best alternative to single-use carryout bags is to shift to reusable bags for shopping; and
- 9) Whereas the Town Selectmen of the Town of Kennebunk aim to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the Town's residents and visitors; and
- 10) Evidence indicates that the vast majority of single-use carryout bags are used for the bagging and carryout of products purchased from Stores, as those business are defined in this Ordinance; and
- 11) Studies document and participating municipalities report that prohibiting the free distribution of single-use carryout bags will dramatically reduce the use of those types of bags; and

- 12) The Town Selectmen of the Town of Kennebunk believe that residents and visitors should use reusable bags and that prohibiting the free distribution of single-use carryout bags by stores is appropriate and will incentivize the use of reusable bags; and
- 13) It is in the best interests of the health, safety and welfare of citizens and visitors of Kennebunk to reduce the cost to the Town's solid waste disposal, and to protect our environment and our natural resources by reducing the distribution of single-use carryout bags and incentivizing the use of reusable bags at Stores, as defined in this Ordinance.

Definitions

As used in this Ordinance the following terms have the following meanings:

Single-use carryout Bag. Single-use Carryout Bag means a bag other than a Reusable bag provided at the check-out stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags but does not include reusable bags, produce bags, product bags or bags provided by pharmacists to contain prescription drugs.

Produce bag or Product bag. The terms produce bag or product bag mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

Reusable Bag means a bag that is:

- a) Designed and manufactured to withstand repeated uses over a period of time;
- b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- c) That is at least 2.25 mil thick if made from plastic;
- d) Has a minimum lifetime of 75 uses; and
- e) Has the capability of carrying a minimum of 18 pounds.

Store. The term Store means any of the following retail establishments located within the Town of Kennebunk:

- a) A full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- b) A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

Store does not mean:

- a) Businesses at which foodstuffs are an incidental part of the business. Food sales will be considered to be “incidental” if such sales comprise no more than 2 percent of the business’s gross sales in the Town as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.

Single-Use Carryout Bag Ordinance

- a) No Store shall provide a Single-Use Carryout Bag to a customer at the check-out stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- b) A Store may make available for sale to a Customer a Single-Use Carryout Bag for a minimum charge of five cents (\$0.05).
- c) All monies collected by a Store for Single-Use Carryout Bags under this Ordinance will be retained and used by the Store for any lawful purpose.
- d) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout Bags.
- e) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout Bag unless the amount of the sale of the Single-Use Carryout is separately itemized on the sale receipt.
- f) No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (b).

Exemptions

A Store shall be exempt from the provisions of this Article, in a situation deemed by the Town Manager to be an emergency for the immediate preservation of the public health or safety.

Record Keeping and Inspection

Every Store shall keep complete and accurate records or documents of the purchase and sale of any Single-Use Carryout Bag, for a minimum period of two (2) years from the date of purchase and sale, which record shall be available for inspection at no cost to the Town during regular business hours by any Town employee authorized to enforce this Article. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Store’s address. The provision of false information including incomplete records or documents to the Town shall be a violation of this Article.

Violations and Enforcement

The Town Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. If the Town Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Article shall be subject to the penalties set forth below.

Violations of this Article shall be punishable by fines as follows:

- a) A fine not exceeding \$250 for the first violation in a one-year period;
- b) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period;
- c) Fines collected shall be placed in a Special Fund to offset the cost of administering and enforcing this Ordinance.

Effective Date

The provisions of this ordinance shall become effective on _____

Severability

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.



Winter Storm Jonas may have missed Maine after pummeling the mid-Atlantic states with more than 2 feet of snow last weekend, but that doesn't mean its effects were unfelt. On Sunday, Kennebunk photographer Thomas Stirling caught this surfer riding the waves at Gooch's Beach, pushed ashore by Jonas as it passed by. (Courtesy photo)

Pupils seek plastic bag ban

By Wm. Duke Harrington
Staff Writer

KENNEBUNK — The drive to ban, or at least discourage, the use of plastic shopping bags has taken off across Southern Maine in the last 18 months, but there's something different about the effort in Kennebunk.

There, the initiative is led by a 10-year-old girl.

Bella Rossborough is now in the fifth grade at Sea Road Elementary School, but it was last year when she took up the cause.

"In fourth grade I read a *Scholastic News* article on how bad plastic is altogether for animals. I wrote a story on it and my teacher helped me make it into a letter and we brought it to selectmen."

Bella read her letter before the Kennebunk Board of Selectmen at its

See BAGS, page 14



Tucker Kennedy, 11, and Bella Rossborough, 10, both students at Sea Road Elementary School in Kennebunk, are leading a drive to discourage the use of plastic shopping bags in town through an ordinance that, if it makes the June ballot and is adopted, would assess a 5-cent fee, per bag (Duke Harrington photo)

Push made for sewer project vote

By Wm. Duke Harrington
Staff Writer

KENNEBUNK — Some attendees at a Jan. 7 joint meeting of officials from RSU 21 and its member towns were

See SEWER, page 15

LOOK INSIDE
This week's paper for our
ASK THE EXPERTS Section **20**
16

& **2016**
Bridal Guide



H.B. Provisions
a general store

15 Western Ave., Kennebunk • 967-5762

Come try our

unbeatable **SOOPS**

hbprovisions.com

everyday...

we dare you to leave with just one!

And, the wintertime puzzles are out for you to come in and work on while your enjoying our SOUP or something from the deli or coffee area.

Bags

Continued from page 1

June 23 meeting, and, after receiving praise for her initiative, was referred to the town's energy efficiency advisory committee.

"I knew there would be a lot more steps to the process," Bella said in a Jan. 22 interview at her school. "It was still kind of nerve-wracking because they're, like, really important to the town of Kennebunk and I had never done anything like that."

Since that first referral, Bella has attended every monthly meeting of the energy committee, while also working on research and public relations projects to aid the committee and further her goal of eventually banning the use of plastic shopping bags in Kennebunk.

According to Bella and her teacher, Jan Gibson, the energy committee is expected to decide soon on wording for an ordinance proposal that would assess a 5-cent fee for each plastic bag given out at stores in town. That meeting took place just after the deadline for this week's issue of *The Post*.

Committee chairman Anthony Dater could not be reached for comment. However, a member of the group, with whom Bella and Gibson have been working, said via email Monday that a vote is planned for Feb. 10.

"At our next monthly meeting our committee will vote on a statement regarding the use of plastic bags in Kennebunk," committee member Dennis Anderson wrote. "Our committee will then decide on what is the best course of action for this statement."

The hope, Bella said, is that the proposal will make it out of committee and through review by selectmen, to include a public hearing, in time to go before voters in June.

According to Town Clerk Merton Brown, so long as a request for consideration of a new ordinance is made by March 16, it has a chance, at least, of getting on the June ballot.

"This gives ample time for the various legal requirements," he said.

This is not the first time Kennebunk has considered regulating the use of plastic bags. When Bella first spoke to selectmen, Albert Searles pointed out the topic has been debated and set aside in the recent past.

"I remember about a year and a half ago we had a discussion on this topic and one of the problems we found was the cost to businesses in town that keep a stock of plastic bags on hand. So, this is something that would have to be brought forward in a progressive form," Searles said.

Chairman Kevin Donovan agreed.

"There was some pretty in-depth discussion by the board of selectmen at that time regarding our concerns with businesses and a few other things," Donovan said. "But I agree the time has come to look at this very seriously."

"I think, leading your classmates, you could be back before us with some type of proposal that everybody can agree on," Donovan continued.

That prediction appears ready to bear fruit.

"Our committee is pleased to be working with Bella," Anderson said. "She is a wonderfully, energetic young person who has helped us focus again on this issue."

While Bella advances all of the same issues touted by environmentalists statewide when speaking about the need to ban plastic bags – including the length of time it takes of a plastic bag to break down in the environment, and the presumed adverse effects on soils when they do – her main concern is more immediate. It's the wildlife that really suffer, she says, and in a coastal community like Kennebunk, some of those species are endangered already.

"There actually are a lot of animals in Kennebunk that are suffering," she said. "Say, you go to the beach and you leave a plastic behind that you brought some stuff in, a seagull could eat it, or it could get wrapped around a sea turtle's neck, or crabs could get it stuck around their claws. Kennebunk also has the largest flock of the grasshopper sparrow, which is a type of bird that is endangered. We want their numbers to stay the same, at least. They're actually really cool birds, so if we were to lose those, that would not be good at all."

After her visit to selectmen, Bella quickly recruited some of her fellow students. Chief among them has been Tucker Kennedy, 11, who has become her right-hand-man, of sorts.

Together, they have conducted research shared with the energy committee, produced informational pamphlets they hope will sway voters, passed out reusable nylon fabric shopping bags, and surveyed downtown businesses.

"It's been fun and we've also found lots of different things that we've shared," Tucker said.

Among the discoveries, Bella and Tucker say, is that more than 5 trillion plastic grocery bags are produced every year, and with less than 1 percent reused, which means the world goes through 160,000 plastic bags every second of every day.

In America alone, they say, people throw away 100 billion bags per year. And, because the plastic is made with petroleum as a key ingredient, their manufacture requires 12 million barrels of oil per year, while the bags "remain toxic" even after they finally break down in landfills.

But, like Bella, Tucker says the immediate danger is from bags that don't make it to the dump, but end up going free range in the environment.

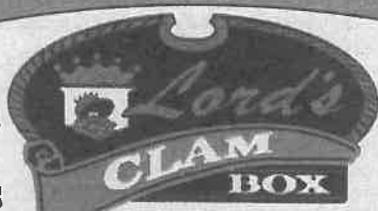
"I feel like it's not fair to the animals that get killed," he said. "I've seen where they can get the plastic stuck in their throats, and I don't want that. I decided to help because every small thing counts. So, if we can start small it might grow bigger and help the animals and the environment."

When Bella first spoke before Kennebunk selectmen, only Portland had taken action against plastic bags in Maine. In June 2014, in hopes of discouraging the use of so-called "single-use" bags, Portland required stores that generate at least 2 percent of gross revenue in food sales charge a nickel per plastic bag.

After Bella joined the cause, South Portland followed Portland's lead, adopting a similar standard Sept. 21 that goes into effect March 1. York

See BAGS, page 15

2.



1465 Main St.
So. Sanford, ME

FAMOUS CHOWDERS

Open Year Round Everyday,
11:20am - 7:40pm

LEGENDARY SEAFOOD

Phone orders: **324-4700**

www.LordsClamBox.com

Bags

Continued from page 14

adopted an outright ban in November that begins March 16, while earlier this month Falmouth instituted a 5-cent bag fee, mandating it be assessed by stores larger than 10,000 square feet. Six stores in Falmouth will be required to pass on that fee starting April 1. In addition, Brunswick, Freeport and Topsham all took a look at bag fees this past fall, with plans to readdress the topic this year.

In both Portland and South Portland, stores that are required to charge a bag fee are allowed to keep those funds to use as they see fit. However, Bella is hopeful that in Kennebunk, stores will have to use that money to provide reusable shopping bags.

"That's the big goal, to end the use of plastic bags completely," she said. "We'd like to ban them right off, but it really has to be done a little bit at a time. A 5-cent charge isn't a lot. It might amount to 25 or 50 cents per trip. So it won't really hurt anyone. But the cost of a reusable bag is not a lot either, maybe \$1. So, that pays for itself with one or two trips to the grocery store. Hopefully, people will see it's in their interests to make the change, and that will help the environment and the animals."

Sewer

Continued from page 1

somewhat taken aback by a presentation made by the Kennebunk Sewer District.

It's been known for some time that the district is planning a \$20 million upgrade of the sewer treatment plant — a project that has been estimated at a \$380 annual hit to user fees for the average KSD customer. In addition to a need to modernize the plant, district manager Mike Bolduc has said fewer than 250 new customers will max out

For Bella's mother Edie Rossborough, the change in her daughter since she launched her campaign has been amazing, and for that she credits Bella's teacher, Jan Gibson, who has supported and encouraged Bella's interests, even incorporating it into her lesson plans.

"I'm really thrilled. When this thing started I never imagined it would go this far," Rossborough said.

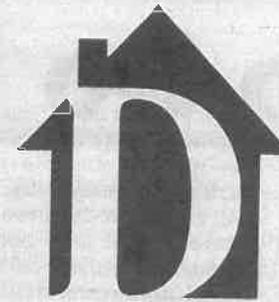
"Without a wonderful teacher like Mrs. Gibson, this project would never have happened," Rossborough said. "She has truly gone above and beyond in her efforts to support and encourage Bella in this endeavor. She has been Bella's biggest cheerleader. While Bella has learned valuable skills such as research, public speaking, making charts, graphs, brochures, and much more through this process, the most important lesson she has learned is that she has the ability to make a difference.

"Jan gets much of the credit for teaching Bella that lesson," Rossborough said, "and it's one that will stay with her forever."

Staff Writer Wm. Duke Harrington can be reached at news@kennebunkpost.com.

when he said we may or may not vote on it," said Kevin Donovan, chairman of the selectmen, drawing a laugh.

"Frankly, up until that point, my attitude was, well, it's people on the sewer system, it's their problem," Donovan said. "But, as was pointed out that night, it will affect the school budget, as well as town hall services, municipal buildings and everything else. So even though I am not on that system, I will in fact end up, in a roundabout way, paying for part of that system."



selling property since 1957

DOWNING
REAL ESTATE AGENCY

10 Storer Street, Kennebunk, Maine 04043

www.DowningAgency.com

207-985-3328



Kennebunk - \$249,900

Absolutely pristine 3-bedroom cape. Sunny and bright through-out. Features a spacious island kitchen, large summer family/sunroom on rear, living room, many built-ins with period character, huge 3-car garage with workshop area and storage above. This home is delightful and welcoming and in excellent condition. Driving by will not suffice. Must be seen to be appreciated.



8.b.

CONSENT AGREEMENT

This Consent Agreement is made this ____ day of _____, 2016 by and between the Town of KENNEBUNK, a municipal corporation located at 1 Summer Street, State of Maine (hereinafter the "Town"), and by John McDonald and Jennifer McDonald, owners of property located at 2 Marsh View Avenue, Kennebunk, Maine 04043 (hereinafter "Property Owners").

WHEREAS, the Property Owners own certain real property at 2 Marsh View Avenue in Kennebunk, Maine 04043, further identified on Lot 16 on Town Tax Map 92 (the "Property"), and have recently removed trees on the Property and the abutting property located at 19 Bayberry Avenue, Kennebunk, Maine 04043 owned by Jack and Joan Donohue (the "Donohues"), identified as Lot 17 on Town Tax Map 92 (collectively, the "Properties") but the removal of certain of such trees was in violation of the Kennebunk Zoning Ordinance Article 4 Section 1E and Article 10, Section 3.D ; and

WHEREAS, in September 2014, the Town's Code Enforcement Officer ("CEO") visited the Property ; and

WHEREAS, the CEO observed violations of the Town's Zoning Ordinance because of tree cutting on the side lawn area of the Properties.

WHEREAS, these violations of the Town's Zoning Ordinances subject the Property Owners and the Donohues, their contractors and agents to civil penalties, attorney's fees and costs pursuant to the provisions of 30-A M.R.S.A. §4452; and

WHEREAS, the parties wish to resolve the violation without the time and expense of enforcement litigation;

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the parties agree as follows:

1. No later than _____, ____ 2016, the Property Owners shall pay to the Town a civil penalty in the amount of \$XXXX (as determined by the Kennebunk Board of Selectmen). This amount may be taken from a \$20,000.00 escrow account already established with the Town for the purpose of addressing the violation. Said account is intended to cover the replanting cost and the associated fine and was established to allow the Property Owners' plan to renovate the house to proceed during the fall of 2014. Any remaining proceeds from this account will be returned to the Property Owners upon satisfactory completion of the restoration.
2. No later than _____, ____ 2016, the Property Owners shall complete the tree restoration work approved by the CEO as set forth on Exhibit A, "Sketch Plan of Proposed Tree Restoration at 2 Marsh View Avenue, Kennebunk, Maine, Owned by John McDonald" prepared by Lower Village Survey Company, dated December 1, 2014. (The "Restoration Plan"), a copy of which is attached hereto and incorporated herein by reference.
3. The Town agrees that, so long as the Property Owners properly complete and maintain the Restoration Plan and pay the civil penalty, as required herein, the Town will, and hereby does, waive its rights to pursue any additional civil penalties, attorney's fees and costs against

the Property Owners, the Donohues, or either of their contractors and agents. The rights, obligations and benefits of this Agreement shall inure to future property owners.

4. The Property Owners shall record a copy of this agreement in the York County Registry of Deeds and shall file evidence of such filing to the CEO within thirty (30) days of the execution of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

John McDonald, individually

Jennifer McDonald, individually

STATE OF MAINE
COUNTY OF YORK, ss.

_____, 2016

PERSONALLY APPEARED the above-named John McDonald and Jennifer McDonald and acknowledged the foregoing instrument to be their free act and deed.

Notary Public/Attorney at Law

TOWN OF KENNEBUNK

By: _____
Paul A. Demers, Its Code Officer,
Duly authorized by the Board of Selectmen

STATE OF MAINE
COUNTY OF YORK, ss.

_____, 2016

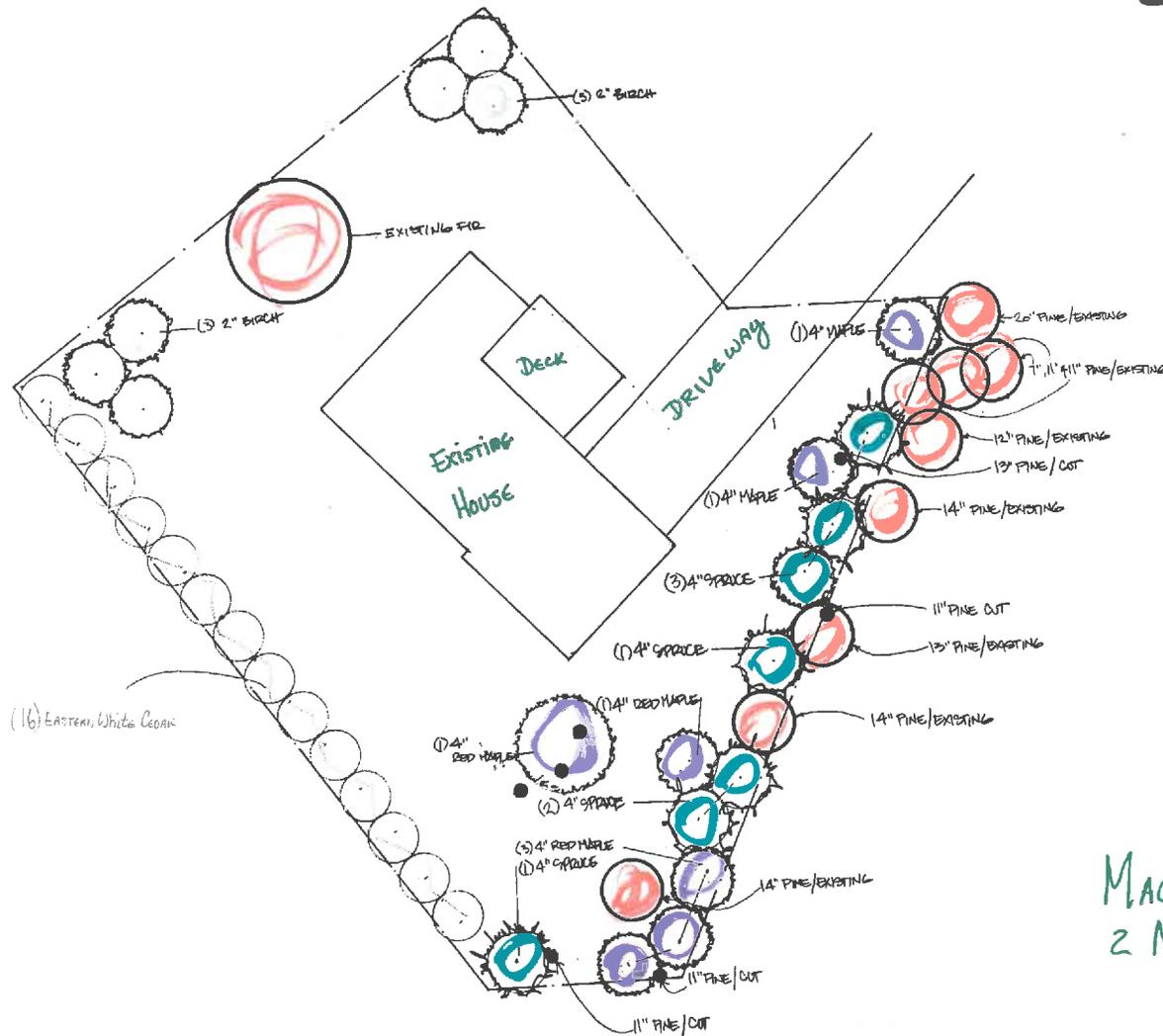
PERSONALLY APPEARED the above-named Paul A. Demers in his capacity as the Code Officer of the Town of Kennebunk, Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town of Kennebunk.

Notary Public/Attorney at Law

Exhibit A (Sketch Plan-Tree Restoration Plan for 2 Marsh View Avenue and 19 Bayberry Avenue)

Exhibit A

Revised Plan

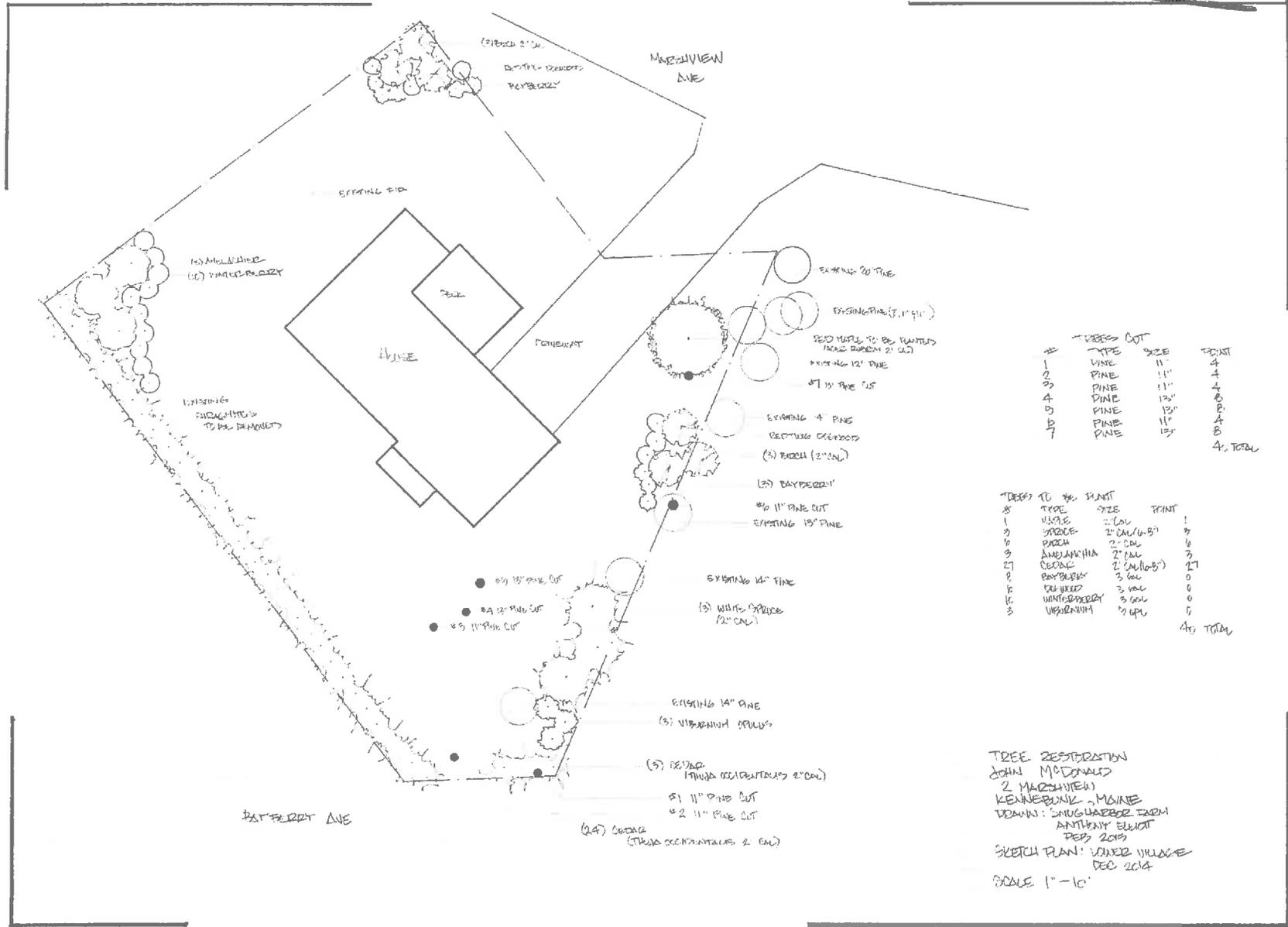


TREES TO BE PLANTED	TYPE	SIZE	POINT
(7)	SPRUCE	4" CAL	14
(7)	RED MAPLE	4" CAL	14
(6)	BIRCH	2" CAL	6
(16)	EASTERN WHITE CEDAR		8
			<u>40</u> Points

MACDONALD RESTORATION PLAN
2 MARSHVIEW, KENNEBUNK

* TAKEN FROM PLAN MULTIPLE SOURCES
OF PLAN WORK BY LOWER VILLAGE LAND SURVEY,
AND SNUG HARBOR FARMS

Original Plan



TREES CUT

#	TYPE	SIZE	POINT
1	VINE	11"	4
2	PINE	11"	4
3	PINE	11"	4
4	PINE	13"	6
5	PINE	11"	4
6	PINE	11"	4
7	PINE	15"	8
			40 TOTAL

TREES TO BE PLANT

#	TYPE	SIZE	POINT
8	VINE	2" CAL	1
9	SPICE	2" CAL (6-8")	9
10	BACCH	2" CAL	3
11	AMBROSIA	2" CAL	3
12	CECILE	2" CAL (6-8")	17
13	BAYBERRY	3" CAL	0
14	BAYBERRY	3" CAL	0
15	VIBURNUM	3" CAL	0
16	VIBURNUM	3" CAL	5
			40 TOTAL

TREE RESTORATION
 JOHN McDONALD
 2 MARSHVIEW
 KENNESAW, MISSISSIPPI
 DEDICATED: SNOG HABERZ FARM
 ANTHONY ELIOTT
 FEB 2019
 SKETCH PLAN: VANCE WILKIE
 DEC 2014
 SCALE 1" = 10'



Albert Frick Associates, Inc

Environmental Consultants

95A County Road Gorham, Maine 04038
(207) 839-5563 FAX (207) 839-5564
www.albertfrick.com info@albertfrick.com

RECEIVED
DEC 14 2015

Albert Frick, SS, SE
James Logan, SS, SE
Matthew Logan, SE
Brady Frick, SE
Bryan Jordan, SE
William O'Connor, SE
Noel Dunn, Office Manager

December 11, 2015

Board of Selectmen
Town of Kennebunk
1 Summer Street
Kennebunk, ME 04043

Re: McDonald tree clearing violation, 2 Marshview Drive, Kennebunk

Dear Members of the Board,

I am writing to you to explain my involvement in the above-referenced matter, as I was originally hired by Mr. McDonald to provide guidance and consulting services. This was to obtain review and approval by regulatory agencies (i.e. Town of Kennebunk and Maine Department of Environmental Protection) for conversion of one tree species type to another. Since the subject property is located within the Shoreland Zone, it is subject to limitations for tree clearing and removal. Mr. & Mrs. McDonald expressed their desire to remove the "ugly" trees (Pitch Pines) and replace them with new "nice" trees. Since Mr. McDonald's responses to the Town refer to me, I wish to clarify, for the record, the chronology of my professional services rendered.

I visited the site with Paul Demers, Code Enforcement Officer, to review the proposal and to determine which, if any, of the trees constituted 'danger' or dead trees which would could be removed immediately prior to the preparation of and approval by regulatory agencies of a replanting plan which would address other tree removal and replacement for aesthetic reasons. My subsequent verbal communication to Mr. McDonald was that he was eligible, per Mr. Demers' site review, to remove one leaning/dying tree (rootball exposed due to windthrow) and one that was extremely close to the eave of the house near the location of the electric service/meter box and outdoor shower while the planting plan was still pending (the McDonalds were considering multiple preferred species at this time), my communication to Mr. McDonald was that only the two above-mentioned trees were allowed to be cut.

Subsequent to this, Mr. McDonald sent an e-mail to me while I was away on vacation out-of-State, and thus I was not able to immediately respond. In the e-mail he states that he had elected, along with his tree-cutter, to cut all of the trees at one time and wanted me to respond, presumably to confirm this course of action. When I was finally able to respond by telephone upon my return from vacation the following week, the trees had already been cut. It is my opinion that Mr. McDonald apparently misconstrued my lack of an immediate response for an affirmative answer.

At that time, he terminated my involvement with the project, and began deliberations with others to obtain a planting plan sufficient to satisfy reviewers of the case. I trust this will help to clarify my, and Albert Frick Associates involvement with this violation.

Should you have further questions or matters for discussion regarding my work, I would make myself available to attend one of your meetings if needed.

Sincerely,

James Logan
Senior Project Manager
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator

JL/bo

cc. Paul Demers, Code Enforcement Officer

8.c.

TOWN OF KENNEBUNK

SPECIAL EVENT POLICY

1. Purpose:

The purpose of this policy is to evaluate any Special Event to avoid and minimize impacts on the general health and welfare of the citizens of the Town of Kennebunk. The use of public ways and Town owned properties need to be properly scheduled to ensure availability of resources to properly manage the special event and minimize impacts to the general public.

2. Applicability:

The following activities shall be subject to the Special Event policy:

- A. Any event held on public property that will involve more than 100 people
- B. for a duration longer than 2 hours
- C. Any event that will occur within a public way or will affect the flow of traffic or access by emergency vehicles
- D. Any event that will utilize Town facilities (Edward Winston Auditorium, Dorothy Stevens Center, Waterhouse Center, etc.) and may require reservation or support services

3. Exemption from Permit Requirements:

Any event that is sponsored by a Town Department (Recreation, Police, Fire, etc.), Committee or group that has been reviewed and approved to operate Town facilities (athletic organizations) shall be exempt from obtaining a Special Event permit.

4. Scheduling:

- A. All Special Event permits applications should be filed at least 45 days in advance of the proposed event and in general, Special Events should not be scheduled more than six months in advance of the proposed event. Exceptions must be approved by the Town Manager.
- B. For any event that involves the use of a public way, Town park or facility, priority will be given to the following organizations/groups:
 1. Town Sponsored Events (including those in conjunction with Waterhouse Events)
 2. RSU #21, Library and Utility Districts
 3. Non-profit Community Organizations
 4. Private and Commercial Events

5. Review Process:

- A. All Special Events requiring a permit shall fill out a Special Event permit application which will be reviewed by Town departments (Police, Fire-Rescue, Code Enforcement, Recreation, and Administration)
- B. Permit applications should be obtained from the Recreation Department and they will serve as the point of contact through the application process
- C. Any Special Event that may occur simultaneously or in close proximity to an annually recurring Town Sponsored Event (May Day, Old Home Week, West Kennebunk Family Fun Day, Tree Lighting, Christmas Prelude, etc.) may require additional review by the respective sponsoring committee. Longer permit review may be necessary based on committee meeting schedules.

TOWN OF KENNEBUNK SPECIAL EVENT POLICY

D. Special Events that may utilize public ways, Town facilities or have the potential to impact Town services over multiple days may be subject to an enhanced review process that will include the following:

1. submission of a detailed operation and management plan that addresses such aspects as:

- a. traffic control plan
- b. parking management plan
- c. solid waste collection and disposal
- d. sanitary facilities
- e. community outreach (public meeting and abutter notification)
- f. any other items related to Public Safety & Health

2. assessment of any costs incurred by the Town related to the review of the application

3. approval by the Board of Selectmen

6. General Requirements:

- A. A public way is defined in the Town of Kennebunk ordinance as “any public street, highway or sidewalk, any private/way public easement laid out or existing under Maine Law or under the control of any Town department or official.”
- B. Town owned facilities shall include all facilities owned and maintained by the Town of Kennebunk available for public use exclusive of fee.
- C. A deposit will be required for any Special Event. The amount of this deposit shall be equal to _____.
- D. All materials included in a Special Event permit application shall be binding upon the special event organizer and those who coordinate and operate the event. It shall be the responsibility of the Special Event permit applicant to provide all of this information to the entity responsible for operating and coordinating the event.
- E. A Special Event permit shall not be issued until the application has been reviewed and approved by the appropriate Town Staff and the contact person has been notified.
- F. Any Special Event that will impact the use of any public way shall be limited to no more than one event on the same weekend within the same area of Town. For the purpose of this policy the Town shall designate the three main areas as Downtown, Lower Village and West Kennebunk. In the event that it is not clear which area the event is located, the Special Event will be assigned to the nearest geographic that is likely to be impacted by the event activities.
- G. The use of Town facilities for any Special Event should limit the impact to the residents.
- H. Scheduling for the use of the Waterhouse Center will be handled through the Recreation Department (207-604-1335). A separate and additional application is necessary for the use of that facility.
- I. *A Certificate of Insurance will be required for all Special Events, excluding events held by the Town. The Certificate of Liability Insurance must state under Description of Operation: Town of Kennebunk is an Additional Insured regarding the (must put in title of event) being held in Kennebunk, Maine. One million dollars (\$1,000,000.00) will be considered the minimum amount of liability coverage acceptable to the Town. Non-profit community organizations will be required to sign an agreement holding the Town harmless for liability resulting from the activity taking place on Town property. Governmental entities (i.e. RSU #21 and local Utility Districts) will be exempt from this requirement.*

TOWN OF KENNEBUNK SPECIAL EVENT POLICY

- J. All Special Events shall comply with all applicable Town Ordinances in particular the following ordinances:
1. Section 1 – Kennebunk Zoning Ordinance, Article 10 Performance Standards, Section 7 (Sign Permits)
 2. Section 2 – Ordinances Relating to Roadways, Rivers & Traffic
 3. Section 3 – Ordinances Relating to Public Safety and Health
- K. Any decorations or equipment used in association with the event must comply with all current applicable Fire Codes. All supplies/equipment must be flame retardant and stored per Fire Code. If there are any questions regarding this code, please contact the Fire Department (207-604-1340).
- L. It is the responsibility of the Special Event organizer to coordinate and arrange for all set up and tear down work. The duration of the event should include all time that the use of Town facilities or public way is impacted by the event, which includes set-up, removal and clean-up operations. All activities associated with the Special Event shall be outlined in the Special Event application and subject to review by Town Staff.
- M. The Special Event organizer must supply all necessary equipment for the safe and functional operation of the event. All equipment and materials associated with the Special Event (including refuse) must be removed at the end of the event, unless given prior written approval from the Recreation Department. All requests must be made in writing and reviewed as part of the Special Event application process.
- N. The Town will not store materials indefinitely and may dispose of any residual materials. Any equipment left on premise after the event without prior approval may be assessed a storage/handling fee which will be deducted from the deposit.
- O. There shall be no taping, stapling, nailing or hanging up of any posters, banners or these types of promotional activities on any utility poles, walls, posts, windows or doors unless approved by the entity of ownership in writing. Cost associated to repair any damage from these postings is the responsibility of the Special Event organizer and may be subject to any violation of legal statutes.
- P. Failure to comply with the terms of a Special Event application approval or deviation from the approval without the consent of a designated Town official may prohibit the event and/or special event organizer from future events.
- Q. Any entity representing itself as a non-profit organization should be able to produce evidence of non-profit status upon request.
- R. Any special event application that is denied or may appear before the Board of Selectmen to appeal this denial.
- S. A copy of the Special Event application form and permit will be kept on file with the Recreation Department and available for inspection to the public. The Special Event organizer will be required to maintain a copy of the permit application and any approval and subsequent conditions.

Draft 2016-02-09

**TOWN OF KENNEBUNK
SPECIAL EVENT POLICY**

**TOWN OF KENNEBUNK
RELEASE AND INDEMNITY AGREEMENT**

In consideration of the permission given to the undersigned by the Town of Kennebunk, allowing use of Town Property for the following date(s) _____ (name of organization/ renter), the undersigned, does forever release, discharge and covenant to hold harmless the Town of Kennebunk and any other person or agent of said Town charged or chargeable with responsibility or liability for the use of the Town Property, their heirs, administrators, executors, successors and assigns, from any and all claims, demands, damages, costs, expenses, loss of services, actions and causes of action, arising out of any act or occurrence up to the present time, and particularly on account of all personal injury, disability, property damage, loss or damages of any kind sustained or that may hereafter be sustained, in consequence of the use by _____ (name of organization/ renter) of said Town Land on the date(s) above specified.

The undersigned agrees, as a further consideration and inducement for this release and indemnity agreement, that it shall apply to all known, all unknown and any and all unanticipated injuries and damages directly and indirectly resulting from the use of Town Land, as well as to those, which are presently foreseeable.

Signature of Responsible Party

Date

Printed Name of Responsible Party

Address of Responsible Party

Phone Number of Responsible Party

ROAD CLOSURES
OR
TRAFFIC DELAYS

SPECIAL EVENT

2015

Listed below are all of the "Special Events" that resulted in road closures or traffic delays for the year 2015. The road closures as listed prevented any motor vehicles from entering areas where there would be a danger to the general public or participants in the special event. All traffic delays were in those areas that required motor vehicles to slow or stop do to the sheer number of the vehicles. Another delay was as a result of runners or bicycles involved in the special event partially obstructing the roadway.

Total hours of delay: 70 hours

Total hours of road closures: 30 hours

Event(s) and Date(s)

Chill Fest Surf Contest Gooch's Beach (Saturday or Sunday) for the month of March/2015 (8:00-5:00 P.M.)

Traffic slowed on Beach Ave. but no delays.

Carol on Ice "Water House Center" 12/20/2015 2:00 P.M.

Traffic slowed on Main Street but no delays

Seaside Santa Dash 12/12/2015 Starts on Gooch's Beach. 10:00 A.M.

Traffic shut down at Narragansett Point for the start of the Race. (5minutes)

Brief traffic delay or slowed for runners in the roadway. Areas affected: Beach Ave, Boothby Road, Western Ave, Great Hill Road/Sea Road intersection. Delay (1 hr)

Prelude (tree lighting K-Port) _ 12/04/2015 5:00 P.M.

Traffic shut down from the bridge to Cooper's Corner (1 hr. & 30 minutes)

Traffic delays Port Road entire evening

Prelude Hat Parade 12/05/2015 3:00P.M.

Traffic shut down from the bridge to Cooper's Corner. (15 minutes)

Prelude Caroling at the Monastery 12/05/2015

Traffic stopped at Cooper Corner pedestrians crossing (10 minutes)

Traffic rerouted down Beach Ave. upon exit of Monastery (30 minutes)

Prelude (Santa arrival by boat) 12/06/2015

Traffic detailed at bridge (20 minutes)

Prelude (Tree lighting K-Port) 12/11/2015) 5:00P.M. – 1830

Traffic shut down from bridge to Coopers Corner (1 hr. 30 minutes)

Prelude (Family skate, party and Christmas Market) 12/10/2015

Traffic delays Main Street 5:00 P.M. – 9:00 P.M. (1hr)

Down Town tree lighting Main Street 11/28/2015 4:00 P.M. – 7:00 P.M.

Main Street closed (1hr. 30 Minutes)

Delay 1 hr

Halloween (Summer Street) 10/31/2015 4:30 P.M. – 9:00 P.M.

Summer Street closed (4 hr.)

Harvest Fest Main Street 10/10/2015 8:00 A.M. - 3:00 P.M.

Parade closing Main Street 11:30A.M. 12:00 P.M. (30 minutes)

Main Street traffic delays 8:00 A.M. – 3:00 P.M. (3 hrs)

KHS Home coming Parade 10/03/2015 1:00 P.M. – 3:00 P.M.

Street closing or delays for the following area: Dane St., Main St., Storer St. and Fletcher St.

Total road closure (1 hour)

Bicycle Coalition of Maine 9/19/2015 7:30A.M. – 10:30A.M.

Traffic delays Coopers Corner and intersection of Sea Rd. and Western Ave.

Traffic delay (3 Hrs)

Middle School Super Walk 9/25 7:30 A.M. – 11:30A.M.

Traffic delay Thompson Road and Alewife Road (15minutes)

Strut Your Mutt (Mothers Beach) 9/13/2015 7:00 A.M. - 1:00P.M.

Traffic delay Beach Ave. (2 hr.)

Traffic stopped (15 minutes)

Water House Center (Youth Endowment) Rick Charette Concert 9/10/2015

Traffic delay Main Street 5:00 P.M. – 7:00 P.M. (2 hrs.)

MS Bike Maine Getaway 8/08/2015 8:30A.M. – 3:30 P.M.

Two locations Rt. 9A and Maguire Rd. and High Street and Rt.99

Traffic delay total for both locations (7 hrs.)

Water House Center (25 Anniversary Celebration Senior Center) 7/30/2015 5:00 p.m. – 9:00 p.m.

Main Street closed for (2 hrs.)

Nicole's Walk/Run Mothers Beach 7/18/2015 6:00-A.M.- 10:00 A.M.

Road Closed from Boothby Rd. /Beach Ave thru Beach Ave/ Woodland Ave. (1hr. 30 minutes)

Delays: Woodland Ave, Boothby Rd. and all side streets on Beach Ave up to Bayberry Ave (2hrs)

West Kennebunk Family Fun Day 8/01/2015 8:00A.M. 1:30 P.M.

Alfred Rd. traffic delays (3 hrs.)

Alfred Rd closure for parade (30 minutes)

Water House Center Rotary Club Anniversary 8/01/2015 4:00 P.M. 10:00 P.M.

Traffic delay Main Street. (2 hrs.)

Library Road Race 7/10/2015 3:00 P.M. – 6:00 P.M.

Traffic delay Main St. (2 hrs.)

Main Street closed (1hr)

KBIA Road Race 7/12/2015 7:30 A.M. – 11:30 A.M.

Road Closed from Boothby Rd. /Beach Ave thru Beach Ave/ Woodland Ave. (1hr. 30 minutes)

Delays: Woodland Ave, Boothby Rd. and all side streets on Beach Ave up to Bayberry Ave (2hrs)

July 4th Fireworks Beach Ave. 7/04/2015 8:00 P.M. -11:00 P.M.

Beach Ave closed from Peninsular Dr. to Boothby Road (2 Hrs.)

Traffic delays (2 hrs)

Special Surfer Nights (Aquaholics) 6/16/15, 7/21/2015, 8/18/2015 2:00 P.M. – 8:00 P.M.

Traffic Delay in area of Gooch's Beach (6 hrs.)

Old Home Week Festival 6/27/2015 7:00 A.M. – 3:00 P.M.

Traffic Delay Main Street (4 hrs.)

Main Street Closed (1 hr)

American Diabetes Tour De Cure 6/14/2015 9:30 A.M.- 1:30 P.M.

Traffic delays Coopers Corner assisting bicycles thru intersection. (4 hrs.)

Kennebunk Beach Classic Road Race (Senior Center) 6/07/2015 7:30 A.M. – 11:00 A.M.

Port Rd. closure Port Hardware to Cooper's Corner (10 minutes)

Western Ave closure Cooper's Corner to Boothby Road. (1hr 30 minutes)

Traffic diverted at intersection of Sea Road and Western Ave. (1 hr. 30 minutes)

Traffic delay side street along race route (1hr 30 minutes)

Memorial Day Parade 5/25/215

Road closures Main Street along parade route.

Road closures (1 hr)

Delay (30 minutes)

Family Fun Day Waterhouse Center 5/22/2015 4:00 P.M. – 7 P.M.

Traffic delay Main Street. (3 hrs)

Maine Coastal Marathon 5/10/2015 6:30 A.M. – 10:30 A.M.

Race starts at KHS Fletcher Street road closure (15 Minutes)

Traffic delay Route 35 and all intersecting side streets to Coopers Corner. Traffic delay on Western Ave, Sea Rd, and Beach Ave. (2 hrs)

ASPCA National Help a Horse day 4/26/2015 10:30 A.M. – 12:00 P.M.

Road closure Alfred Road from Cummings Market to Thompson Road. (1 Hr.)

Run For The Homeless 5/02/2015 7:00 A.M.- 11:00 A.M.

Mother Beach to Fairfield Drive.

Road Closed from Boothby Rd. /Beach Ave thru Beach Ave/ Woodland Ave. (1hr. 30 minutes)

Delays: Woodland Ave, Boothby Rd. and all side streets on Beach Ave up to Fairfield Drive (2hrs)

May Day Parade and Safety Expo 5/02/2015 6:00 A.M.- 5:00 P.M.

Main Street closure for the parade (1hr)

Water Street closure parade formation (1.5)

Traffic delay Main Street area (6 hrs)

Race to Educate (Waterhouse Center) 4/12/2015 7:00 A.M. - 3:00 P.M.

Main Street closure start of race(s) (10 minutes)

Grove Street closed at Main Street (1hr.30 minutes)

Traffic delay Main Street, Dane St. Park St, Winter St, Factory Pasture, Summer St, Sea Rd, and Heath Rd (3 hr)

Kennebunk Winterfest 2/06/2015 – 2/07/2015

Water House Center, Friday night entertainment.

Traffic delays Main Street (2hrs)

Atlantic Plunge Gooch's Beach 1/01/2015 9:00 A.M.

Traffic delay (1 hr)

Special Events Application

S

Numbered Events	Name of Event	Date of Event	Location Area Beach Downtown WK	Start time	Finish time	Overall Time
1	Annual Atlantic Plunge to Benefit Caring Unlimited	1/1/15	Beach <i>Road</i>	11:00am	11:30am	9:00am-11:30am
2	Kennebunk Winterfest	2/6/2015, 2/7/2015	<i>TOWN</i> Waterhouse, Auditorium	Varied 2 Day Event		
3	One Billion Rising	2/14/15	Downtown <i>Road</i>	12:00pm	1:00pm	11:00am-1:00pm
4	Chillfest	Sat or Sun throughout March & April	Beach <i>Road</i>	8:00am	5:00pm	7:00am-5:00pm
5	I Love You Show	3/7/15	Auditorium <i>Road</i>	10:00am	3:00pm	10:00am-3:00pm
6	Race to Educate	4/12/15	Downtown/Waterhouse <i>Road</i>	8:30am	3:00pm	7:00am-3:00pm
7	Wellness Fair	4/18/15	<i>TOWN</i> Waterhouse	10:00am	2:00pm	
8	Community Yard Sale	4/19/15	<i>TOWN</i> Waterhouse	9:00am	2:00pm	7:00am-3:00pm
9	ASPCA'S National Help A Horse Day Parade	4/26/15	West Kennebunk <i>Road</i>	11:30am	12:00pm	9:00am-12:00pm
10	Annual Run/Walk for Homelessness & Hunger	5/2/15	Roads Around Beach Area <i>Road</i>	9:00am	11:00am	7:00am-11:00am
11	May Day Festival	5/2/15	<i>TOWN</i> Downtown, Waterhouse	8:00am	5:00pm	6:00am-5:00pm
12	River Tree Arts Dance Recital	5/9/15	Auditorium	2:00pm	6:00pm	8:00am-6:00pm
13	Maine Coast Marathon	5/10/15	Downtown (Fletcher St to Western Ave) <i>Road</i>	7:30am	9:45am	4:30am-9:45am
14	Family Fun Day Bouncapalooza	5/22/15	<i>TOWN</i> Waterhouse	4:00pm	7:00pm	1:00pm-9:00pm
15	Annual Kennebunk Beach Classic Road Race	6/7/15	Roads Around Beach Area <i>Road</i>	9:30am	11:00am	7:30am-11:00am
16	Spirit of Maine	6/11/15	Lower Village Western Ave <i>Road</i>	7:00pm	11:00pm	2:00pm-11:00pm
17	Grand Tapas Party	6/13/15	Pilot House Boatyard	12:00pm	4:00pm	8:00am-4:00pm
18	Kennebunks Tour de Cure	6/14/15	Throughout Kennebunk & Beach <i>Road</i>	7:00am	3:00pm	5:00am-3:00pm
19	Special Surfer Night	6/16/2015, 7/21/2015, 8/18/2015	Beach	4:00pm	8:00pm	2:00pm-8:00pm
20	Old Home Week Festival	6/27/15	<i>TOWN</i> Downtown, Waterhouse	8:00am	3:00pm	7:00am-3:00pm
21	Annual Library Race	7/10/15	<i>TOWN</i> Downtown	6:00pm	8:00pm	3:00pm-8:00pm
22	Village Art Walk	One Thursday a Month June - December	Lower Village	5:00pm	8:00pm	5:00pm-8:00pm
23	KBIA 5K "A Day At The Beach"	7/12/15	Roads Around Beach Area <i>Road</i>	8:30am	2:00pm	7:00am-2:00pm
24	Nicole's 5k Run/Walk	7/18/15	Roads Around Beach Area <i>Road</i>	8:30am	10:00am	6:00am-10:00am
25	Aptalis CF: Cycle for Life	7/18/15, 7/19/15	Roads Around Beach Area <i>Road</i>	9:00am	2:00pm	9:00am-2:00pm
26	25th Anniversary Celebration of the Senior Center at Lower Village	7/30/15	<i>TOWN</i> Waterhouse	4:00pm	8:00pm	4:00pm-8:00pm
27	Tommy McNamara Charitable Wiffleball Tournament	7/31/15, 8/1/2015	Lower Village	8:00am	6:56pm	8:00am-6:45pm
28	West Kennebunk Fun Day	8/1/15	<i>TOWN</i> West Kennebunk	9:00am	2:00pm	6:00am-2:00pm
29	Bike MS Great Maine Getaway	8/8/2015, 8/9/2015	Roads Throughout Kennebunk <i>Road</i>	8:00am	10:00am	8:00am-10:00am
30	Norman Rockwell Small Town America	8/15/2015, 8/16/2015	Auditorium	9:00am	6:00pm	9:00am-6:00pm
31	Waterhouse Youth Endowment Rick Charette Concert	9/10/15	<i>TOWN</i> Waterhouse	6:00pm	8:30pm	3:00pm-8:30pm
32	Strut Your Mutt	9/13/15	Beach <i>Road</i>	9:00am	1:00pm	7:00am-1:00pm
33	Bike Maine	9/18/15, 9/19/15	Waterhouse, Parson's Field, Teen Center, Local <i>Road</i>	Varied 2 Day Event		
34	Middle School Superwalk	9/25/15	<i>TOWN</i> West Kennebunk, Eastern Trails	9:00am	11:30am	7:30am-11:30am
35	KHS Homecoming Parade	10/3/15	<i>TOWN</i> Downtown	2:00pm	2:40pm	1:00pm-2:40pm
36	Harvestfest	10/10/15	<i>TOWN</i> Downtown, Waterhouse	8:00am	3:00pm	7:00am-3:00pm
37	Rocktoberfest	10/17/15	The New School	12:00pm	5:00pm	10:00am-5:00pm
38	Christmas Tree Lighting	11/28/15	<i>TOWN</i> Downtown, Waterhouse	4:30pm	6:00pm	3:00pm-6:00pm
39	Prelude	12/4/2015, 12/5/2015, 12/6/2015	<i>TOWN</i> Lower Village	Varied 3 Day Event		
40	Prelude Family Skating Party & Christmas Market	12/10/15	<i>TOWN</i> Waterhouse	6:00pm	9:00pm	5:00pm-9:00pm
41	Seaside Santa Dash	12/12/15	Roads Around Beach Area <i>Road</i>	10:00am	12:00pm	6:00am-12:00pm
42	Carols on Ice	12/20/15	<i>TOWN</i> Waterhouse	2:00pm	4:00pm	1:00pm-4:00pm
43	New Years Eve Kennebunk	12/31/15	<i>TOWN</i> Waterhouse	6:00pm	12:30am	5:00pm-12:30am

Special Events Application

Numbered Events	Est. # Participants	Estimated Attendance	Name of Organization Sponsoring	Local /Out of Town Organization	Non-profit	Type of Event Festival/Fair Race/Walk/Bike/Concert/Parade	General Services Provided	General Services Provided	General Services Provided	General Services Provided
							DPW	Parks	FIRE	Police
1	75-100	150-200	Caring Unlimited	Out of Town	Yes	Polar Plunge	Yes	No	Yes	Yes
2	12	100-150	Town	Local	Yes	Festival	No	No	No	No
3	20-30	20-30	Animal Welfare Society	Local	Yes	March	No	No	No	No
4	54	70	Aquaholics Surf Shop	Local	No	Surf Contest	No	No	No	No
5	50	300	Friends of Cocoons	Local	Yes	Show	No	No	No	No
6	600	800	Cocoons Day School	Local	No	Race	Yes	No	No	Yes
7	Varied	Varied	Town	Local	Yes	Fair	?	No	No	No
8	Varied	Varied	Town	Local	Yes	Yard Sale	?	No	No	No
9	50	150	Ever After Mustang Rescue, Training & Education Center	Out of Town	Yes	Parade	No	No	No	Yes
10	200	300	York County Shelter Programs	Out of Town	Yes	Race	Yes	No	No	Yes
11	150+	1000+	Town	Local	Yes	Festival	Yes	Yes	No	Yes
12	25	100	River Tree Arts	Local	Yes	Recital	No	No	No	No
13	900-1,000	Varied	Giddy Up Productions, LLC	Out of Town	No	Race	No	No	No	Yes
14	300	300+	Town/RSU21 PTO	Local	Yes	Fair	No	Yes	No	No
15	300	450	Senior Center at Lower Village	Local	Yes	Race	Yes	No	Yes	Yes
16	50	450	Kennebunkport Resort Collection	Local	No	Food & Wine Tasting	No	No	No	No
17	150	700	Maine Media Collective	Out of Town	No	Food & Wine Tasting	No	No	No	No
18	900	1200	American Diabetes Association	Out of Town	Yes	Ride	Yes	No	No	Yes
19	100 + -	300 + -	Aquaholics Special Surfers	Local	Yes	Free Surf	No	No	No	No
20	100-200	1000 +	Town	Local	Yes	Festival	Yes	Yes	No	Yes
21	500	550	Kennebunk Free Library	Local	Yes	Race	Yes	No	Yes	Yes
22	13 art galleries	Varied	KKA Chamber of Commerce	Local	Yes	Walking Tour	No	No	No	No
23	400	400	KBIA	Local	Yes	Race	Yes	No	No	Yes
24	350	330	Caring Unlimited	Out of Town	Yes	Race	No	No	No	Yes
25	200	200	Cystic Fibrosis Foundation	Out of Town	Yes	Ride	No	No	No	No
26	50	250	Senior Center at Lower Village	Local	Yes	Concert	No	Yes	No	Yes
27	150	225	Tommy McNamara Charitable Foundation	Out of Town	Yes	Wiffleball Tournament	No	No	No	No
28	75	250	Town	Local	Yes	Fun Day	No	No	No	Yes
29	423	N/A	National MS Society - Greater New England Chapter	Out of Town	Yes	Ride	No	No	Yes	Yes
30	300	300	Animal Welfare Society	Local	Yes	Gallery	No	No	No	No
31	5	250-300	Town	Local	Yes	Concert	Yes	Yes	No	No
32	250	250	Animal Welfare Society	Local	Yes	Walk	No	No	No	Yes
33	400	500-600	Bike Maine	Out of Town	Yes	Ride	Yes	Yes	Yes	Yes
34	550	N/A	MSK/ Parent Teacher Group	Local	Yes	Walk	No	No	No	No
35	300	300	Kennebunk High School	Local	Yes	Parade	No	No	No	Yes
36	50-75	500	Town	Local	Yes	Festival	Yes	Yes	No	Yes
37	25-30	50-100	The New School	Local	Yes	Concert	No	No	No	No
38	50	500+	Town	Local	Yes	Tree Lighting	Yes	No	Yes	Yes
39	Varied	Varied	Kennebunkport Business Association	Out of Town	Yes	Tree Lighting, Caroling,	No	No	No	Yes
40	30	300	KKA Chamber of Commerce & Town	Local	Yes	Skating Party & Market	No	No	No	No
41	300	350-400	Jackalope Sports, LLC	Local	No	Race	No	No	No	Yes
42	40	200	Town	Local	Yes	Skating Party & Expo	Yes	No	No	No
43	15	100 +-	First Parish UU Church, Brick Store Museum, Town	Local	Yes	Ball Drop	No	No	No	No

Town of Kennebunk, Maine



Special Event Application

Persons requesting to hold a Special Event in the Town of Kennebunk must complete and submit a "Special Event Application" and submit the application to the Parks and Recreation Department preferably at least sixty (60) days prior to the requested event date. The Town requires a minimum of ten (10) business days to process the application.

For purposes of this application, a "Special Event" shall be defined to mean: Any activity which occurs upon public or private property that will affect the standard and ordinary use of Town-owned property, public streets, rights-of-way or sidewalks, and/or which requires additional levels of town services. This includes, but is not limited to, fairs, festivals, carnivals, sporting events, foot races/walks, bike-a-thons, markets, parades, exhibitions, auctions, dances, and motion picture filming. Special Events do not include: regular park activities, functions held on school properties that are sponsored by the school district, or regular work being performed by Town agencies.

1) Event Information

Date of Event _____

Name of Event _____

Location of Event _____

Start Time of Set Up _____

Start Time of Event _____

Finish Time _____

Description of Event _____

Estimated # of Participants _____

Estimated Attendance _____

Mailing Address: 1 Summer Street, Kennebunk, ME 04043
Website Address: <http://www.kennebunkmaine.us/>
E-Mail: bcostello@kennebunkmaine.us



Will food be served or sold? Yes _____ No _____ If yes what? _____

Will anything else be distributed or sold? Yes _____ No _____
If yes what? _____

What equipment, materials, displays and the like will you bring on site? _____

Will you use signs or banners? Yes _____ No _____
If yes, how many? _____ Size(s) _____
Is there a need for portable restrooms? Yes _____ No _____

2) Organization Information

Name of Organization _____
Address _____

Business Telephone _____ Fax _____
E-mail _____

Is this an annual event? _____ If so, how many years has it been run? _____

Are you a non-profit organization? Yes _____ No _____

Do you have a 501(c)(3)? Yes _____ No _____

501(c)(3) Number _____

3) Contact Person/Event Coordinator

Name _____
Address _____

Telephone _____ Cellular _____
E-mail _____

Relation to above
organization _____

4) Type of Event

Festival / Fair
Race / Walk / Bike Ride
Concert
Parade / March
Other-please clarify _____

If held in the past, is this event changing this year? Yes _____ No _____
If so, how? _____

Will there be entertainment? Yes _____ No _____ If yes, please list location, times, who, live and the like:

5) General Service Questions

5.A Department of Public Works

Is the use of barricades necessary/requested for this event? Yes ____ No ____

If yes, number needed _____

Will it be necessary to cover street and/or parking signs or post No Parking signs for this event? Yes _____ No _____ If yes, please note on diagram to be attached or shown on the reverse side of this page.

What is your plan for cleanup and debris disposal for this event?

Is any other Public Works assistance anticipated? Yes _____ No _____

If yes, please describe _____

5.B Parks and Recreation Department

Will this event take place in a Town park or on Town property? Yes ____ No ____

If yes, where? _____ Who have you spoken with in the Recreation Department? _____

Is the Use of the Town of Kennebunk Parks and Fields Request Form signed and enclosed? Yes _____ No _____

Is any Parks and Recreation assistance needed? Yes _____ No _____

5.C Fire Department / Rescue

Will the Fire Department/Rescue have access to all sites at all times in the event of an emergency? Yes _____ No _____

Will you have First Aid or medical staff present? Yes _____ No _____

If so, who and qualifications _____

Will there be any use of fire such as a bonfire? Yes _____ No _____

If yes, the applicant must obtain a fire permit from the Fire Department and attach a copy of the permit to this application.

5.D Police Department

Is there a need for traffic control for this event? Yes _____ No _____

Is there a need for crowd control for this event? Yes _____ No _____

If you answered yes to any of the above questions from 5D (Police Dept), you must contact the Police Dept at 985-6121 prior to filling out the required attached Police Scheduling Detail.

6) Site Plan Sketch of Special Event (Completed by Event Coordinator)

Please provide the following information, if applicable: (attach a separate map if necessary)

- General Map of Vendor Locations
- Street Closures/Parking Information Locations
- Location of Event Coordinator's Booth
- Location of Garbage Can
- Location of Water/Electricity Source
- Location of Loudspeakers/Rest Facilities
- Location of Tents/Stages/Grandstands

7) Indemnification and Release Provisions: Applicant must provide a Certificate of Liability Insurance with the minimum amount insurance being one million dollars (\$1,000,000.00). The following wording must be put in under DESCRIPTON OF OPERATIONS: *The Town of Kennebunk is an additional insured as respects to (name of event) being held on (date(s) of event) being held by (name of insured)*

In consideration for being permitted to use any Town of Kennebunk facility(ies) and/or rights-of-way, the applicant agrees to defend, indemnify and hold harmless the Town, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the Town facilities and/or rights-of way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the Town, its officers, or its employees, or from any other cause whatsoever.

8) Municipal Services and Materials

The Town reserves the right to require municipal services as reasonably deemed necessary by Town staff. If Town materials/equipment, other than motorized vehicles, are needed for the event, a deposit will be required, with the deposit based on the cost of materials/equipment borrowed (up to \$250).

Applicant's Statement of Agreement:

Everything I have stated on this agreement is correct to the best of my knowledge and I have authority on behalf of the firm or agency holding this event to commit it to the statements contained herein. This permit, if granted, is not transferable and is revocable at any time at the discretion of the Town of Kennebunk.

Applicant Signature: _____ Date: _____

Title: _____

Guidelines for events:

- Applicant shall comply with all State of Maine and Town ordinances
- Participants shall use sidewalks and crosswalks where appropriate
- Any trash generated during the event must be collected by the applicant before the end of the event
- Proper advance notifications of persons living and residing within the affected area shall occur

Town of Kennebunk, Maine
Special Event Application

Event Name: _____

Event Date: _____

Date Received: _____

Office Use Only:

Are there any other events occurring on this date? Yes _____ No _____

If yes, please list event name _____

Event start time _____ Event end time _____ # of people expected _____

Police: Is the electronic message board needed for this event? Yes _____ No _____

Public Services: Is the message board available for this event? Yes _____ No _____

If yes, Date to go up _____

Date to take down _____

Language to be used on sign:

*Special Event Permit Approval Signatures***

****This form must be completed within 5 business days from the date received and given to the Town Manager for final approval.**

Recreation Director _____ Date _____
Or designee _____

Police Chief _____ Date _____
Or designee _____

Public Works Director _____ Date _____
Or designee _____

Town Clerk _____ Date _____
Or designee _____

Code Enforcement Officer _____ Date _____
Or designee _____

Fire Chief _____ Date _____
Or designee _____

Rescue Chief _____ Date _____
Or designee _____

Town Manager _____ Date _____
Or designee _____

****This form must be completed within 5 business days from the date received and given to the Town Manager for final approval.**

KENNEBUNK POLICE DEPARTMENT SCHEDULING DETAIL REQUEST/SCHEDULING/PAYROLL SHEET	_____ _____ _____ _____	OFFICE USE ONLY <input type="checkbox"/> POSTED ON BOARD <input type="checkbox"/> SCHEDULED <input type="checkbox"/> IN IMC
---	----------------------------------	---

DATE: _____ IMC CALL # _____

RECEIVED BY: _____

DETAIL FOR: _____

GENERAL DUTY
 TRAFFIC CONTROL DUTY
 SECURITY DUTY

HOW MANY OFFICERS: _____ HOW MANY CRUISERS: _____

DATE(s)	DAY(s)	HOUR(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

LOCATION TO REPORT TO & SPECIAL INSTRUCTIONS: _____

DETAIL REQUESTED BY: _____

CONTACT PERSON: SAME OTHER: _____

TELEPHONE NUMBER FOR CONTACT PERSON: _____

BILL TO:

For events on any town owned property, an application must be obtained from Parks & Recreation before we can approve a request for a detail officer.

Signed copy of Facility Request Form shown on: _____ KPD Initials _____

***TO AVOID BEING CHARGED, TOWN/SCHOOL DETAILS REQUIRE 4 HOUR CANCELATION NOTICE. ALL OTHER DETAILS REQUIRE 8 HOUR CANCELATION NOTICE.**

	Public	Private	Minimum
<input type="checkbox"/> Detail Rate	\$40.00 p/hr	\$50.00 p/hr	4 hours
<input type="checkbox"/> Detail Rate With Cruiser	\$45.00 p/hr	\$55.00 p/hr	4 hours

8.d.

Yellow - Parking
Orange - Traffic



8.e.

Kennebunk Goal Setting Survey

The Kennebunk Board of Selectmen and Town Manager are initiating a strategic plan and goal setting process early in 2016. The Selectmen are working with Municipal Resources, Inc (MRI) to develop these strategies. At the same time, we have also charged a new town committee with the update of the Comprehensive Plan and Zoning Ordinance. We would like to ask you some preliminary questions that may help guide those processes. We are very much interested in both resident and summer property owner input. With that and future input sessions, we may follow up with more detailed questions.

The survey has three sections:

1. Strategic planning questions for the Board of Selectmen
2. Comprehensive planning and land use questions for the Comprehensive Plan and Zoning; and,
3. Demographic information about you to help us better understand trends in the community.

Please take the time to complete this survey - your comments and observations will be anonymous: please feel free to be open and candid. Thank you for your participation.

Section 1: Selectmen Questions

1. As you think about the challenges and issues facing our community for the next 3 to 5 years which of these should be top priorities for the Town? You have a total of 10 points that can be allocated as you determine; all to one topic, distributed equally or weighted; however, the survey form will not let you assign more than a total of 10 total points. The more points for one area, the higher the importance.

- a. Public Safety - Police, Fire, EMS, Emergency Management _____
- b. Public Works - Highways, roads, Drainage,-key infrastructure maintenance and upgrades _____
- c. Community and Economic Development _____
- d. Budget, town finances, property taxes _____
- e. Developing a stronger working relationship with the School System _____
- f. Public Health & Welfare (maintaining a healthy community) _____
- g. Land use regulation, Planning & Zoning, Code Enforcement and Environmental Protection _____
- h. Town Facilities/Structures, maintenance and upgrades of town buildings and parks _____
- i. Cost and services and of independent agencies (water, sewer, and electricity) _____
- j. Climate change –rising sea levels and more severe weather events _____

2. What other suggestions do you have for the Selectmen's Goals List for 2016?

3. Rate the communication between the community and Town elected and appointed officials?
Excellent ___ Good ___ Fair ___ Poor ___ Don't Know ___

What improvements could be made? (e.g. website, mailings, meetings, greater municipal channel shows)

4. Please rate the following in terms of immediate attention or improvement, to help the Selectmen set priorities in the near term:

	Immediate Need	As Time and Resources Allow	Low Priority
a. Regular joint meetings with the School Board	_____	_____	_____
b. School building conditions	_____	_____	_____
c. Improved dialogue related to financial planning	_____	_____	_____
d. Develop a comprehensive 5 year Capital Improvement Plan and financial strategy (roads equipment, etc.)	_____	_____	_____
e. Develop a more structured plan for citizen involvement in decision making	_____	_____	_____
f. Reach out to neighboring communities and pursue regional opportunities	_____	_____	_____
g. Continue emphasizing and supporting growth of the business community within	_____	_____	_____
h. Pursue energy efficiency measures in public buildings maintain present community character	_____	_____	_____
i. Address the consequences of global warming	_____	_____	_____
j. create affordable workforce housing	_____	_____	_____
k. Develop more "user fees" to offset charges to the tax rate (i.e. trash bags, beach parking, etc)	_____	_____	_____

5. If you rated any of the above in need of immediate attention please provide a brief description of your concerns and what action you recommend:

6. What other areas of focus should be considered in the discussion?

7. Are there any current services or programs offered by the Town that you feel are no longer viable or warrant continued support and should be eliminated or phased out? - If so please identify and explain your views.

8. Are you concerned with the potential for increases in your Sewer Fee charges related to an EPA required upgrade in the Local Sewer System? Yes _____ No _____ Didn't Know _____

9. Do you feel that the quality of service provided by Town Employees is? Good _____ Fair _____ Poor _____

10. Are you concerned with the potential for increases in your Sewer Fee charges due to EPA and capacity upgrades in your local sewer system: Yes _____ No _____ Don't Know _____

11. Which of the following options for the Mousam River Dams do you favor:

- _____ Dam Removal
- _____ Partial Dam Removal
- _____ No Dam Removal
- _____ Need More Information (costs, environmental impact, etc.
- _____ No Opinion

Section 2: Key Comprehensive Plan, Land Use and Zoning Questions

12. List the three most important challenges/opportunities facing Kennebunk today:

_____	good _____ or bad _____
_____	good _____ or bad _____
_____	good _____ or bad _____
Don't Know _____	

13. What do you think these challenges/opportunities will be five years from now?

_____	good _____ or bad _____
_____	good _____ or bad _____
_____	good _____ or bad _____
Don't Know _____	

14. The following are items that are often mentioned as being important to the long term "quality of life" here in Kennebunk. Please rate them in terms of importance to you:

	Yes	No	Don't Know/No Opinion
a. Parking	_____	_____	_____
b. Road Maintenance	_____	_____	_____
c. Job Creation	_____	_____	_____
d. Walkability	_____	_____	_____
e. Neighborhoods	_____	_____	_____
f. Parks	_____	_____	_____
g. Open Space	_____	_____	_____
h. Cultural activities	_____	_____	_____
i. Community Events	_____	_____	_____
j. Desired business mix	_____	_____	_____
k. Water quality (rivers and Ocean)	_____	_____	_____
l. Beach and River Access	_____	_____	_____
m. Sustainable Energy	_____	_____	_____
n. Public Safety	_____	_____	_____
o. Historic District Expansion	_____	_____	_____
p. Design Standards	_____	_____	_____
q. Train Service	_____	_____	_____
r. Maintain Downtown Vitality	_____	_____	_____
s. Waterhouse Center	_____	_____	_____
t. Condition of Sidewalks	_____	_____	_____
u. Bike lanes	_____	_____	_____
v. Kennebunk Landing Area	_____	_____	_____
w. Benches for sitting	_____	_____	_____
x. Community Gardens	_____	_____	_____
y. Accessible Restrooms	_____	_____	_____
z. Speed Enforcement	_____	_____	_____
aa. Access to medical/Services	_____	_____	_____
bb. Lower Village Vitality	_____	_____	_____
cc. Trolley Service	_____	_____	_____

Any further comments?

15. Do you perceive a need for affordable housing in the following groups:

- i. young families yes _____ No _____
- ii. the workforce yes _____ No _____
- iii. seniors yes _____ No _____

Why and if yes, where should the Town focus be?

16. Should the Town consider areas devoted for future business parks or commercial areas, increasing the potential for new tax revenue and jobs?

Yes _____ No _____ Don't Know _____

17. Is the Town protecting the Town's rivers, marshes, shoreland and other areas of scenic beauty and environmental importance?

Yes _____ No _____ Don't Know _____

18. Would you support (through your tax dollars) the purchase of land or conservation easements for the purpose of conserving such resources?

Yes___ No___ Don't Know___

19. Should the Community continue to expand the use of building and architectural design standards to insure that commercial and business development is consistent with a small town atmosphere?

Yes___ No___ Don't Know___

20. Please check off the three most important reasons you moved or continue to live in Kennebunk:

- Family
- Proximity to work
- Small Town Atmosphere
- Village center atmosphere
- Character of Neighborhood
- Historic character of the community
- Access to the beach, coast and rivers
- School system quality
- Economic diversity in jobs and businesses in the community
- Proximity to rural/open space
- Property tax rate
- Services for Seniors

21. Do you support public and private services or facilities for seniors, and their caregivers, that would permit them to remain in their homes? Yes ___ No ___ Don't Know ___ Need More Information ___

22. Please rank the following public improvements by placing a check under the most appropriate priority heading, given considerations for limited revenue sources?

	High	Medium	Low
a. Route 1 North improvements	_____	_____	_____
b. Route 1 South improvements	_____	_____	_____
c. Remainder Lower Village (Western Ave. and Port Road improvements)	_____	_____	_____
d. Parking in Lower Village	_____	_____	_____
e. Parking in Downtown	_____	_____	_____
f. Parking in West K.	_____	_____	_____
g. Landing Area/Summer Street	_____	_____	_____
h. Areas for Recreation	_____	_____	_____
i. Boat Access to rivers	_____	_____	_____
j. Increase in Open space	_____	_____	_____
k. Zoning related to climate change	_____	_____	_____
l. Community design accessible to all (e.g. ADA sidewalks, entries)	_____	_____	_____
m. Others _____	_____	_____	_____

23. With respect to future residential development in Kennebunk, do you think the town should (pick one):

- a. _____ Limit the amount of future residential development
- b. _____ Neither discourage nor encourage residential growth, but be concerned with directing it to where public services and utilities are available
- c. _____ Residential development should be controlled by the real estate market, or
- d. _____ The town should actively promote residential development

24. With respect to future office or commercial growth in Kennebunk, do you think the Town should (pick one)::

- a. _____ Limit the amount of commercial and business growth
- b. _____ Neither encourage or discourage commercial and business growth, but should primarily concerned with directing it to appropriate locations
- c. _____ Permit the amount of development to be controlled by market forces
- d. _____ Actively encourage new business and development

25. Are the present land use regulations in Town (zoning, subdivision, and site plan review) (pick one):

- a. _____ Too restrictive in telling property owners what they can and can not do;
- b. _____ Strike a good balance between the need for land use regulation and property owners' rights; or
- c. _____ Are too lenient and do not provide enough protection for the environment and public.

26. Please list any other matters that you see as critically important to the long term quality of life in Kennebunk:

33. Which of the following best describes your annual household income? (Optional)

Less than \$10,000

\$10,000 to \$19,999

\$30,000 to \$49,999

\$50,000 to \$74,999

\$75,000 to \$99,999

\$100,000 to \$149,000

\$150,000 to \$199,000

\$200,000 or more

34. Any other comments about what is going on in the Community or its region that you would like to add to the above answers—use the space below:

Draft: 2/4/16

9.a

DRAFT

SECTION _____
TITLE: STATEWIDE ARREST POWERS AND PROCEDURES
EFFECTIVE DATE” _____

I. Purpose

This policy establishes the scope of statewide arrest authority for sworn members of the Kennebunk Police Department to ensure that officers follow appropriate protocol when making an out-of-jurisdiction arrest.

II. Discussion

A. Statewide arrest authority is a valuable tool granting officers the legal authority to make out-of-jurisdiction arrests when necessary, and extending liability coverage when an officer is out of Kennebunk and circumstances compel them to take appropriate law enforcement action.

B. In accordance with Title 30-A, § 2671 (2-A), on (date), the Kennebunk Board of Selectmen approved statewide arrest authority for Kennebunk Police Officers who meet the eligibility requirements of Title 25, § 2804-C. To be eligible for statewide arrest authority officers must meet the following criteria:

1. Must be a graduate of the Maine Criminal Justice Academy’s basic training course or have obtained a waiver, and,
2. Must have completed their one-year probationary period subsequent to graduation from the MCJA basic school or obtaining a waiver.

III. Procedures

A. When an officer anticipates making an out-of-jurisdiction arrest he/she should, when practical, notify their immediate supervisor of the circumstances. When advance notification is not practical, officers will notify their supervisor as soon as possible.

B. When an officer anticipates making an out-of-jurisdiction arrest he/she should, when practical, contact that jurisdiction’s law enforcement agency to make them aware of the situation unless exigent circumstances exist. When advance notification is not practical, officers will notify that jurisdiction’s law enforcement agency as soon as possible.

C. When leaving this jurisdiction to make an arrest, the officer should notify the Sanford Regional Communications Center of their intent and planned location of the arrest.

D. When leaving this jurisdiction to make an arrest, the officer shall ensure they have adequate back-up assistance.

E. An officer exercising this authority shall promptly provide to the agency having primary jurisdiction any required reports or statements.

DRAFT

SECTION _____
TITLE: STATEWIDE ARREST POWERS AND PROCEDURES
EFFECTIVE DATE" _____

F. Exercise of Authority:

1. Officers will not initiate a traffic stop in another jurisdiction purely for a traffic violation or vehicle defect. Exceptions would be when a clear and immediate danger to public safety exists. Under no circumstances will off-duty officers make or attempt to make a traffic stop in a privately owned vehicle.
2. The exercise of this authority by off-duty officers shall not be mandatory in any circumstance. Officers who have been granted this authority must consider factors including officer and public safety, the degree that they are armed and equipped, and the availability of back-up before making a determination to take enforcement action. *Being a professional witness, assisting victims, and notifying the appropriate law enforcement agency may be an off-duty officer's best option in many situations.*
3. An off-duty officer exercising this authority must have their law enforcement credentials in their possession and be armed with an authorized firearm.
4. Exigent circumstances, both on, and off-duty, do arise when advance notifications to supervisors and other agencies are not practical. This policy recognizes these situations.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subpart 3: MUNICIPAL AFFAIRS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Chapter 123: MUNICIPAL OFFICIALS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subchapter 4: LAW ENFORCEMENT OFFICERS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§2671. Police officers

1. Appointment. Except as provided by charter, ordinance or section 2636, subsection 6, the municipal officers may appoint police officers for a definite term, and control and fix their compensation. Police officers, including chiefs of police, may be removed for cause after notice and hearing.

A. Before appointing any law enforcement officer, the municipal officers shall investigate the qualifications and background of any person being considered for appointment. This includes investigating the applicant's abilities, reputation for truthfulness and respect for the law. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. An appointed law enforcement officer is subject to the training requirements of Title 25, chapter 341. [1993, c. 349, §64 (AMD).]

C. Notwithstanding section 2526, residency in the State is not a condition of initial or continued appointment as a municipal police officer. [1989, c. 279, §1 (NEW).]

[1993, c. 349, §64 (AMD).]

2. Powers. Police officers may serve criminal and traffic infraction processes and arrest and prosecute offenders of the law. A police officer has all the statutory powers of a constable, unless limited by charter or ordinance. **No police officer has any authority in criminal or traffic infraction matters beyond the limits of the municipality in which the officer is appointed, except to:**

A. Recapture a prisoner whom the officer has arrested and who has escaped; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Take a person before the District Court; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Execute a mittimus given to the officer by the District Court; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Pursue a person who has gone into another municipality and for whose arrest the officer has a warrant; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. Arrest a person who travels beyond the limits of the municipality in which the officer is appointed when in fresh pursuit of that person. This paragraph applies to all crimes and traffic infractions. As used in this paragraph:

(1) With respect to Class A, Class B and Class C crimes, the term "fresh pursuit" is defined in Title 15, section 152; and

(2) With respect to Class D and Class E crimes and traffic infractions, "fresh pursuit" means instant pursuit of a person with intent to apprehend; or [1989, c. 104, Pt. C, §§8, 10 (AMD); 1989, c. 104, Pt. D, §6 (AMD).]

F. As provided for in section 2674. [1989, c. 104, Pt. A, §23 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1989, c. 104, Pt. C, §23, Pt (AMD); 1989, c. 104, Pt. D, §6 (AMD) .]

2-A. Optional powers. Notwithstanding subsection 2, municipal officers may authorize a municipality's police officers who have met the requirements of Title 25, section 2804-C to perform any of the acts described in Title 17-A, section 15 while the police officers are outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest.

A. [2003, c. 233, §4 (RP).]

B. [2003, c. 233, §4 (RP).]

[2003, c. 233, §4 (AMD) .]

2-B. Liability. When a municipal police officer makes an arrest, as authorized in subsection 2-A or subsection 4, outside of jurisdictional limits of the municipality in which the police officer is appointed, that police officer has the same immunity from tort liability and all of the pension, relief, disability, workers' compensation, insurance and any other benefits the police officer enjoys while performing duties within the police officer's appointing municipality.

[2005, c. 320, §1 (AMD) .]

3. Representation of the municipality in District Court. The municipal officers may authorize a law enforcement officer certified by the Maine Criminal Justice Academy, under Title 25, section 2803-A, subsection 1, to represent the municipality in District Court in the prosecution of alleged violations of ordinances which the officer may enforce. Under this subsection, the municipal officers may delegate their power to authorize law enforcement officers to represent the municipality to the municipality's full-time chief of police.

[RR 2007, c. 1, §16 (COR) .]

4. Multijurisdictional crimes. If there is probable cause to believe that more than one theft, forgery or negotiation of a worthless instrument committed pursuant to one scheme or course of conduct by the same or several persons has occurred in more than one municipal jurisdiction, a police officer in a municipality in which at least one of the thefts, forgeries or negotiations of worthless instruments was committed may investigate and assist in the prosecution of all the related thefts, forgeries or negotiations of worthless instruments, with the express authorization of the police officer's municipal officers.

[2005, c. 320, §2 (NEW) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§A23,C8,C10 D6 (AMD). 1989, c. 279, §1 (AMD). 1993, c. 349, §64 (AMD). 1993, c. 594, §2 (AMD). 2003, c. 233, §4 (AMD). 2005, c. 320, §§1,2 (AMD). RR 2007, c. 1, §16 (COR).

Title 25: INTERNAL SECURITY AND PUBLIC SAFETY
Part 8: MAINE CRIMINAL JUSTICE ACADEMY
Chapter 341: THE MAINE CRIMINAL JUSTICE ACADEMY
§2804-D

§2804-C. Basic law enforcement training; core curriculum requirements

1. Required. As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality, a county, the State or any other nonfederal employer, **that person must successfully complete, within the first 12 months of initial full-time employment, the basic training course at the Maine Criminal Justice Academy approved by the board.** If a person's failure to comply with this requirement was a result of that person's failure to satisfy any of the admission standards applicable to the basic training course and that person is subsequently employed as a full-time law enforcement officer within 12 months of termination of the initial employment by a municipality, a county, the State or any other nonfederal employer, the person must have satisfied all the admission standards established by the board prior to the time of hire. As a condition of continued employment as a full-time law enforcement officer, the officer must satisfactorily maintain the basic certification by completing the recertification requirements prescribed by the board. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board also, in individual cases, may waive the basic training requirement when the facts indicate that an equivalent course has been successfully completed.

[2013, c. 147, §29 (AMD) .]

2. Core curriculum requirements.

[1993, c. 744, §6 (RP) .]

2-A. Probationary employment period. Upon being hired, a law enforcement officer shall complete an employment probationary period that lasts for at least one year after graduation from the academy or the date the board waives the basic training requirement.

[1993, c. 744, §6 (NEW) .]

2-B. Training regarding people who are homeless. The board shall include in the basic law enforcement training program a block of instruction aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless.

[2005, c. 393, §1 (NEW) .]

2-C. Receipt of firearms; training; procedure; liability. The Maine Criminal Justice Academy shall provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a court order under Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1. Such training must include education concerning the prohibitions on the purchase or possession of a firearm when a protection order has been obtained and communication with parties to protection orders concerning such prohibitions.

In developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

A law enforcement officer who receives custody of a firearm pursuant to Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

[2013, c. 147, §30 (AMD) .]

2-D. Training regarding people who have mental illness and the involuntary commitment process. The board shall include in the basic law enforcement training program a block of instruction aimed specifically at the clinical, safety and procedural components of the involuntary commitment process, including the provision of a uniform checklist that includes reference to Title 34-B, section 1207, subsection 7 for law enforcement officers to use in order to effectively describe the seriousness of a case to a mental health professional.

[2009, c. 451, §6 (NEW) .]

3. Certification. The board shall certify each person who meets the core curriculum training requirements.

[2013, c. 147, §31 (AMD) .]

4. Courses. The board shall:

A. Provide a training course, the successful completion of which meets the basic training requirements; [1993, c. 744, §6 (NEW).]

B. Provide a structured residential program that balances the goals of professional policing with public services emphasis; and [2005, c. 331, §22 (AMD).]

C. Incorporate a community policing philosophy in its training program. [2005, c. 331, §22 (AMD).]

D. [2005, c. 331, §23 (RP).]

[2005, c. 331, §§22, 23 (AMD) .]

5. Application to currently certified law enforcement officers. This section does not apply to any law enforcement officer certified as meeting the law enforcement training requirements or to any full-time law enforcement officer employed by a state agency, including the University of Maine System, as of July 1, 1990 or to any person employed as a full-time law enforcement officer by a municipality on September 23, 1971 or by a county on July 1, 1972.

[2013, c. 147, §32 (AMD) .]

SECTION HISTORY

1989, c. 521, §§5,17 (NEW). 1993, c. 551, §2 (AMD). 1993, c. 744, §6 (AMD). 1997, c. 395, §O4 (AMD).

2005, c. 331, §§21-23 (AMD). 2005, c. 393, §1 (AMD). 2005, c. 684, §1 (AMD). 2009, c. 451, §6 (AMD).

2013, c. 147, §§29-32 (AMD).

Title 17-A: MAINE CRIMINAL CODE
Part 1: GENERAL PRINCIPLES
Chapter 1: PRELIMINARY
§15-A

§15. Warrantless arrests by a law enforcement officer

1. Except as otherwise specifically provided, a law enforcement officer may arrest without a warrant:

A. Any person who the officer has probable cause to believe has committed or is committing:

- (1) Murder;
 - (2) Any Class A, Class B or Class C crime;
 - (3) Assault while hunting;
 - (4) Any offense defined in chapter 45;
 - (5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
 - (5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4002, subsection 4;
 - (5-B) Domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct;
 - (6) Theft as defined in section 357, when the value of the services is \$1,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
 - (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
 - (8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
 - (9) A violation of a condition of probation when requested by a probation officer or juvenile community corrections officer;
 - (10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;
 - (11) Theft involving a detention under Title 17, section 3521;
 - (12) Harassment, as set forth in section 506-A;
 - (13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5;
 - (14) A violation of a sex offender registration provision under Title 34-A, chapter 15;
 - (15) A violation of a requirement of administrative release when requested by the attorney for the State;
 - (16) A violation of a condition of supervised release for sex offenders when requested by a probation officer;
 - (17) A violation of a court-imposed deferment requirement of a deferred disposition when requested by the attorney for the State;
 - (18) A violation of a condition of release as provided in Title 15, section 3203-A, subsection 9;
 - (19) A violation of a condition of supervised community confinement granted pursuant to Title 34-A, section 3036-A when requested by a probation officer;
 - (20) A violation of a condition of placement on community reintegration status granted pursuant to Title 34-A, sections 3810 and 4112 when requested by a juvenile community corrections officer;
 - (21) A violation of a condition of furlough or other rehabilitative program authorized under Title 34-A, section 3035 when requested by a probation officer or juvenile community corrections officer;
 - (22) A violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State;
 - (23) Failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A;
 - (24) A Class D or Class E crime committed while released on preconviction or post-conviction bail;
- or
- (25) A violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A; and [2011, c. 691, Pt. A, §12 (RPR).]

B. Any person who has committed or is committing in the officer's presence any Class D or Class E crime. [1995, c. 680, §3 (RPR).]

[2011, c. 691, Pt. A, §12 (AMD) .]

2. For the purposes of subsection 1, paragraph B, criminal conduct has been committed or is being committed in the presence of a law enforcement officer when one or more of the officer's senses afford that officer personal knowledge of facts that are sufficient to warrant a prudent and cautious law enforcement officer's belief that a Class D or Class E crime is being or has just been committed and that the person arrested has committed or is committing that Class D or Class E crime. An arrest made pursuant to subsection 1, paragraph B must be made at the time of the commission of the criminal conduct, or some part thereof, or within a reasonable time thereafter or upon fresh pursuit.

[1995, c. 680, §3 (RPR) .]

SECTION HISTORY

1975, c. 740, §22 (NEW). 1977, c. 326, (AMD). 1977, c. 510, §24 (AMD). 1977, c. 671, §19 (AMD). 1977, c. 696, §169 (AMD). 1979, c. 578, §§1,7 (AMD). 1979, c. 677, §§2,18 (AMD). 1983, c. 450, §1 (AMD). 1983, c. 735, §1 (AMD). 1983, c. 795, §5 (AMD). 1983, c. 862, §47 (AMD). 1985, c. 737, §A40 (AMD). 1987, c. 758, §22 (AMD). 1987, c. 870, §11 (AMD). 1989, c. 122, §2 (AMD). RR 1991, c. 2, §50 (COR). 1991, c. 566, §1 (AMD). 1993, c. 475, §3 (AMD). 1995, c. 224, §1 (AMD). 1995, c. 356, §20 (AMD). 1995, c. 668, §2 (AMD). 1995, c. 680, §3 (RPR). 1997, c. 393, §A17 (AMD). 1997, c. 464, §3 (AMD). 1999, c. 127, §A33 (AMD). 1999, c. 644, §1 (AMD). 2001, c. 389, §1 (AMD). 2001, c. 439, §OOO1 (AMD). 2001, c. 667, §A34 (AMD). 2003, c. 102, §1 (AMD). 2007, c. 475, §8 (AMD). 2007, c. 518, §4 (AMD). 2009, c. 142, §3 (AMD). 2011, c. 341, §6 (AMD). 2011, c. 464, §4 (AMD). 2011, c. 691, Pt. A, §12 (AMD).

9.b.

